

The CLERGY REVIEW

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THE EXTENSION OF THE JUBILEE

IN the Apostolic Constitution *Per Annum Sacrum*, published on Christmas Day, 1950,¹ the Holy Father makes an urgent appeal that the faithful be instructed concerning the Jubilee indulgence and exhorted to avail themselves of the opportunities offered by the extension of the indulgence to the whole world. For it is his hope not only that as many as possible should benefit personally from the indulgence but more especially that the new Spring of the spiritual life witnessed in Rome during the Holy Year should everywhere flourish and that the magnificent show of Christian faith and piety displayed last year in the eternal city should be evident in all cities, towns and villages throughout the entire world. Since it is our clear duty to make the people aware of the Holy Father's wishes and to prepare them to gain the Jubilee by means of missions, retreats or at least sermons in each parish,² it may be of some use to summarize the Roman documents concerned and perhaps to offer a solution to some of the difficulties which invariably occur in the matter of the Jubilee indulgence.

GENERAL REMARKS

The custom of extending the Jubilee began in 1500 but the period of extension was very short, at first only two weeks. This was prolonged to six months in the eighteenth century, but it was not until 1926 that the period of extension became a full year. In virtue of *Per Annum Sacrum* any of the faithful, even those who gained the Jubilee in Rome last year, can, between 1 January and 31 December, 1951 (inclusive), gain the plenary indulgence of the Jubilee by fulfilling the conditions of Confession and Holy Communion, the visits to certain churches named by the Ordinary and the prayers specified by the Pope. Even in 1926 the indulgence could be gained only twice, now

¹ See below, pp. 188-196.

² Ibid., p. 189.

it can be gained as often as the conditions are fulfilled and it may be applied each time either to oneself or to the Holy Souls, not, of course, to any other living person. There is but one proviso and it is that all the conditions for gaining one indulgence must be completed before the works for gaining another are begun.¹ On general principles, in order to gain the indulgence the conditions must be performed without a substantial omission (e.g. one visit, unless there is a dispensation); works already of obligation do not satisfy (e.g. a visit cannot be made while hearing Mass of obligation); the state of grace is necessary when the last of the conditions is fulfilled. If this last provision holds good, the conditions may be fulfilled in any order.²

It is perhaps worth noting that the indulgences and faculties suspended during the Holy Year itself are renewed during the year of extension.

THE VISITS

As in the past the choice of the period within the year was left to the Ordinary, so now the choice of the churches to be visited rests with him or his delegate. He is not however entirely free and there are certain directions which he must follow. The indulgence can only be gained by visits to the churches designated by the Ordinary and according to the number of visits for which he designates them.

DESIGNATED CHURCHES

In the episcopal city the Ordinary is directed to name the Cathedral and three other churches. In view of the fact that this may involve considerable trouble for some people in a large episcopal city, it has been suggested that the Ordinary could name more than three churches and leave the faithful free to choose any three.³ But the clear wording of the Constitution seems to preclude this possibility. Almost all the commentators state categorically⁴ or take it for granted that only four can be named at a time, but admit the Ordinary's power to change the three designated churches at different periods throughout the

¹ *Ibid.*, p. 191.

² *Instr.*, II, below, p. 197.

³ Mannix, in *Irish Ecclesiastical Record*, IX, p. 351, hints at the possibility.

⁴ *L'Ami du Clergé*, 1934, p. 40.

year.¹ Each of the churches in the episcopal city is therefore designated for one visit only and no person could gain the Jubilee by making two or more visits in one of the churches for one and the same indulgence. There is a possible exception to this, if (and only if) the Ordinary makes a concession for those in other parts of the dioceses making their visits in the episcopal city.²

The directions for visits made outside the episcopal city (the suburbs and the rest of the diocese) are interesting. In the past the Ordinary was directed to choose the principal church and three other churches or public oratories in any place (*locus*). Commentators found it difficult to decide what was meant by place. The one thing they were all agreed on was that it did not mean parish. The difficulties arose from the fact that a place might contain several parishes or a parish might contain several places. In 1934 however the Constitution "Quod Superiore Anno" substituted the word "parish" for the word "place". The change was deliberate, first in order to avoid the invidious situation in which in any one place many parish churches would be neglected or in which the principal church was not a parish church, and secondly in order to encourage the faithful to attend their own parish churches to hear instructions on the Jubilee, to join in processions and so on. The direction now is that the Ordinary name each parish church as a Jubilee church and also three other churches or public oratories (semi-public and private oratories are excluded) *within the boundaries of the parish*.³ If in any parish there are not three other such churches or oratories then the Ordinary may diminish the number of churches to be visited but not the number of visits. In England this means as a rule that the parish church only will be named for four visits. If there are two, or only one such church within the parish boundaries, there is room for the view that the Ordinary may name only the parish church,⁴ though strictly it seems that he should name, say, the parish church for two visits and the others, presuming there are two, for one each.⁵ It does not appear that the Ordinary can *oblige* the faithful to make their visits to churches outside their parish except in the episcopal

¹ *Periodica*, April 1934, p. 40.

² *THE CLERGY REVIEW*, Oct. 1934, p. 325.

³ *Const.*, below, p. 190; cf. *Apollinaris*, 1934, p. 224.

⁴ *I.E.R.*, April 1934, p. 533.

⁵ *L'Ami du Clergé*, 1934, p. 498.

city. This at least was the view taken by Canestri in *Apollinaris* in 1934.¹ In the present Constitution however it is the wish of the Holy Father (it is not an obligation) that where in the prudent judgement of the Ordinary it is possible without grave *incommodum*, even those outside the episcopal city should be obliged to make one of their visits in the Cathedral or some sanctuary.²

It is of some importance to note that the faithful may make any or all of their Jubilee visits outside their own parish and diocese so long as they visit those churches designated by the Ordinary of the place or by his delegate.³ The visits to any one church in this instance may not exceed the number for which the church is named. Thus those living in the episcopal city may fulfil their visits at one parish church in the suburbs provided the Ordinary has designated it for four visits, or they may make one in any of the named churches in the episcopal city and one, two or three in any designated church or churches outside according to the number for which the church or churches are designated. People from other parts of the diocese wishing to make all their visits in the episcopal city must make one visit in each of the named churches.⁴

As for the visits themselves, in 1901 sixty were required in all, in 1926 twenty, in 1934 twelve, and now in 1951 only four are required. They may be made on the same day or on different days at any time throughout the year, but if a person is making more than one to the same church (presuming it is named for more than one) he must leave the church and re-enter as in the case of the *toties quoties* indulgence.⁵ If the church is closed, he is permitted to make the visit at the church door.

THE PRAYERS

In recent Jubilees it has been customary to specify in detail the requisite prayers, and this year's Jubilee is no exception. There is no obligation to say the prayers in different parts of the church, as there was in 1934.

¹ *Apollinaris*, 1934, p. 225.

² *Const.*, below, p. 190.

³ *Ibid.*

⁴ *Periodica*, April 1934, p. 41; cf. *Resp. Sacr. Paenit.*, 15 Jan., 1886.

⁵ *Coll. Brug.*, XXXIV, p. 244.

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The obligatory prayers are the following:

- (a) Five times the *Pater, Ave* and *Gloria*;
- (b) once the *Pater, Ave* and *Gloria* for the Pope's Intention;
- (c) once the *Credo* (either the Apostle's or the Nicene Creed);¹
- (d) three times the *Ave* and the invocation "Queen of Peace, pray for us";
- (e) once the "Hail, Holy Queen".

All these and only these prayers are of obligation, but the Holy Father recommends the addition of his own Holy Year prayer. The alternate recitation of the prayers is allowed.² It is desirable that the faithful should have explicit knowledge of the Pope's intention, but it is not necessary. It suffices to pray for the Pope's intentions in general.

CONFESSION AND COMMUNION

There is no need to add to what was said about these conditions in the Holy Year itself.³ It may be well to recall that these conditions must be repeated each time one wishes to gain the indulgence.⁴ It is not necessary that they should be made in the designated churches.

CONCESSIONS

The Apostolic Constitution itself allows sailors and all who serve in ships to make all their Jubilee visits on board if the ship has a chapel in which Mass is said. If not, they may make them in any church (designated or not) in any port of call or at their destination.⁵

It grants to Ordinaries the power to reduce the number of churches or visits, and to change the prescribed works into other works of piety in the case of all who are impeded. A list of those who are considered to be *impediti* is included in the Constitution and corresponds to the list of those who were exempt from the Roman pilgrimage during the Holy Year.⁶ It is for the Ordinary

¹ THE CLERGY REVIEW, Jan. 1950, p. 38.

² Instr., IV, below, p. 197.

³ THE CLERGY REVIEW, Jan. 1950, p. 33.

⁴ Ibid., May 1950, p. 334.

⁵ Const., below, p. 191.

⁶ Ibid.; cf. THE CLERGY REVIEW, Jan. 1950, p. 33.

to issue directions concerning the nature of the concessions and the people involved.

Parish priests have the power of reducing or dispensing from the Jubilee visits in regard to their parishioners, whether individuals or whole families.¹

Nuns and female religious are allowed to choose their Jubilee confessors as in the Holy year.²

All confessors approved by their Ordinaries are given very wide powers for confessions made with a view to gaining the Jubilee indulgence. These powers concern (a) the dispensation or commutation of the Jubilee conditions, (b) commutation of private vows, (c) dispensation of certain irregularities and impediments, (d) absolution of many reserved sins and censures. A detailed treatment of the confessor's faculties regarding vows, impediments, reserved sins and censures has already appeared in this REVIEW.³ One or two modifications should be noted. The censure of canon 2388, §1, can only be absolved in danger of death. Communists under censure can only be absolved if they sincerely and effectively recant.

With regard to the confessor's powers concerning the Jubilee conditions, he has the faculty of commuting visits from one church to another, of reducing the number of visits or of changing the visits to other pious works. There must be a just cause and he may use his faculty only for individual penitents in their Jubilee confessions. He cannot dispense from the condition of Confession even in the case of a person who has no necessary matter: nor from Holy Communion except in the case of those who are physically unable to receive. He is also warned that if he dispenses from the visits he should not dispense from the prayers except in the case of the sick.⁴

The powers covering sins and censures, irregularities and impediments can only be used once and that when the penitent first makes a Jubilee confession. The powers covering vows and the Jubilee conditions may be used as often as a Jubilee confession is made.⁵

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¹ *Instr.*, V, below, p. 197.

² *Const.*, below, p. 192.

³ *THE CLERGY REVIEW*, June 1934, pp. 457-67.

⁴ *Const.*, below, pp. 194-5.

⁵ *Ibid.*, p. 195.

THE NEW EDUCATION ACT

THE COST OF THE SCHOOLS

IN THE CLERGY REVIEW for March 1949 an article was published on the cost to the Catholic Body of implementing the new Education Acts. Since then much progress has been made and much information gathered. The Development Plans of the various education authorities have been before the Minister of Education in the last two years and most of them have been approved.

In the Archdiocese of Westminster we are concerned with three education authorities, the county councils of London, Hertfordshire and Middlesex. The plans of the first two of these authorities have been approved by the Minister, schemes for implementing them are being worked out, and schools are being given voluntary aided status. In the case of Middlesex the plan was referred back by the Minister and its final revision is almost complete and its approval is expected shortly. We are thus able to see more clearly what our schools in Westminster are likely to cost the diocese. This may be a matter of wider than diocesan interest.

The Minister had issued his regulations for school buildings showing what he required, and the extravagances of the educational planners who sat at office desks and had neither to teach in the schools they were planning nor to find the money to pay for them sent the national bill for the schools soaring to alarming heights. We had built fine schools before the war for about £40 a place, and we were faced with estimates under the new regulations of over £200 a place for primary schools and over £400 a place for secondary schools. There was general alarm as the bills of costs for schools were published.

It was soon realized that there were other things to be done with money and materials besides the building of schools. Housing and industrial development were also calling for a share in the nation's building programme. If the Ministry of Education was to get only a reasonable share of the supply of materials and

labour available it would have to cut its requirements to a more realistic figure. In a word, the cost of schools had to come down and the Minister has steadily reduced the maximum figures he will allow for the new schools. The new order is that primary schools in 1951 are not to cost more than £140 a place and secondary schools £240 a place. In addition, however, you are allowed to add ten per cent to the cost for work on the site. Thus we are able to judge fairly accurately the cost to the diocese of the building of the new schools as set out in the development plans. There are the new secondary schools to be built so that all our older children may get a secondary education; then there are the new primary schools required by the increase of population and the large housing schemes of the local authorities, for now new townships are springing up in the suburbs and new satellite towns, and the vast metropolis is spreading ever farther into Middlesex and south-west Hertfordshire; and there is also the problem of reconstructing the parish all-age schools which will be reduced to primary status when the new secondary schools are built.

The restrictions enforced by the limited amount of labour and material available have caused the Minister to hold up the school building and reconstruction programme very considerably. We can only proceed with the implementing of the Education Acts at a snail's pace. Where there are no schools for the children, as in the new suburbs, or where much house building is in progress, permission to build schools is given. That is necessarily a first priority. The building of the new secondary schools gets second place, but the reconstruction of the existing all-age schools cannot proceed until the secondary schools are ready for the older children from the parishes. So slow is the *tempo* that it will be many years before the education building programme envisaged by the recent Acts is completed.

In London we are to build thirteen special-agreement secondary modern schools. One is being built at the moment at Poplar; we are hoping to be allowed to build another in North Kensington in 1951 and one in St Marylebone in 1952. At that rate our secondary modern schools will not all be built before 1965. There are other secondary schools and new primary schools to be built as well as the reconditioning of the present

all-age schools, and it seems likely that it will take us thirty years or more to implement the Act at the present rate of progress. Whereas the local education authorities formerly spoke of the major part of the work of educational reconstruction as the task of the next fifteen years, they now talk of a second fifteen year programme when most of the work will be done. Quite obviously the present and the next generation of our children will get little of the benefits the Education Acts of 1944-48 were intended to confer upon them.

The school problem as we have it in Westminster can be easily set out, for the diocesan plans have been in the hands of the education authorities for at least three years. The diocese includes London north of the Thames, the whole of Hertfordshire and the county of Middlesex. In the London County Council area we propose to build thirteen special-agreement secondary modern schools to accommodate some 6000 children. Taking the Minister's maximum figure of £240 a place, with the addition of ten per cent allowed for site works, the total cost will be £1,601,600, of which we shall have to pay about £400,000. The rebuilding or reconstruction of our nine existing voluntary aided secondary schools, for which we hope to get grants of fifty per cent, and the building of two new grammar schools for boys for which grant is not likely to be forthcoming, will need about £1,072,500 and we shall have to find about £632,000 of this amount. This will provide for 4750 of our children. We have to build also five new primary schools in London for which we shall get no grant at all, and we must reconstruct to the requirements of the L.E.A. the all-age parish schools to the number of fifty, for 11,140 children; for these last we expect to receive fifty per cent grants. The total cost of this work will be some £1,874,820 and we shall have to find about £1,019,760 of this money.

In the county of Middlesex we have planned to build ten special-agreement secondary schools for 4580 children at a cost of about £1,209,120 and our share of this will be at least £302,280. To remodel and reconstruct our seven secondary voluntary aided schools in that county with the aid of the fifty per cent grant, and one independent school which is applying for aided status, and to build a new boys' grammar school with-

out grant, will cost about £1,001,600 and we expect to have to pay about £659,000 for these purposes to accommodate 3800 children. The primary school programme in Middlesex includes the building of five new schools which are needed because of the increase of the population in the Middlesex suburbs of London. For these we must find all the money. The thirty-six existing primary schools will need much reconstruction or rebuilding, and we reckon that the expenditure on our primary schools in the county will amount to about £1,668,880 and we shall have to find some £984,460 of this sum for the accommodation of our 11,980 children in these schools.

In our third county, Hertfordshire, at present thickly populated only in the south where London has overflowed into that county, we hope to build immediately two secondary schools with the aid of at least fifty per cent grants. To build for these 860 pupils will cost about £227,040 and we must raise about £113,520 of that sum. We have eight primary schools which are to be reconstructed, or rebuilt elsewhere with the help of fifty per cent grants, and two new ones are needed at once at our own expense. For these 1990 children the cost will be about £290,620 and our share will be around £182,000. When the building of the new satellite towns is undertaken by the Government in the north and west of the county we expect to have to build six primary and two secondary schools for our children, all without grant. But this is likely to be a matter for the second fifteen years of the programme and we are not including provision for that in our present budget.

In no case have we counted the cost of the site of the school. For extension of present sites, and new sites needed for existing schools, the L.E.A. is responsible. But in the case of the new schools we must pay for the site. In the rural districts the cost of sites is a negligible quantity, but in London and its suburbs it is a serious matter and adds very much to our charges. We are about to build a special-agreement secondary modern school in London for 510 pupils. The cost of the school will be, at £240 a place with ten per cent added for site works, £134,640. But the cost of the three-acre site will be over £80,000 and that adds £157 a place to the cost of the school. So although the Minister restricts the cost of the school building to £240 a place, allowing

ten per cent to be added for site works and thus bringing the cost up to £264 a place, the addition of the cost of the site brings the price for the school up to £421 a pupil after all. London is probably worse off than most other large cities in this regard. Another example may be given. Recently the L.C.C. proposed to buy an acre of land to convey to the trustees of one of our schools so that they might transfer their small school to a suitable and larger site. But they found that they would have to pay about £60,000 for the acre and they rightly dropped the matter.

The Archdiocese of Westminster, like the other dioceses of England and Wales, is faced with a serious financial problem in implementing the Education Acts of 1944-48. In London north of the Thames the cost of the Catholic schools will be £4,548,920; in Middlesex it will be £3,913,280; in Hertfordshire £517,660; a total of £8,979,860. When all expected grants have been paid we shall have to raise something like £4,344,720 as our share of the expenditure. It must be stressed that the cost of the sites must be added to this figure and it will be a very considerable addition to our charges.

The Treasury is ready to lend us, on the recommendation of the Minister of Education, the money we shall need for reconditioning our old schools and for building some of our secondary schools that are part of the reorganization schemes. But in no case will the Treasury lend us the money for our new schools in places where we have never yet had a school. The principle on which they will lend is that where we are entitled to a grant we may get a loan. If we borrow on a sinking fund basis over thirty years with interest at three per cent we almost double our liabilities, for we shall have to pay £190 on an original loan of £100 during the thirty years of the loan's service. If our whole liability is on this basis the ultimate cost to us of this £4,344,720 building programme for the Westminster schools will be a bill for interest of over £130,000 a year for thirty years and in addition we shall be repaying our capital debt at about two per cent at an annual charge of some £87,000 a year for the thirty years—a total payment of about £217,000 a year. Our schools will thus cost us some £6½ millions. Thus stated the problem is seen to be an immense one. We are, of

course, not called upon to put the money on the table before we begin to build. The schools will be built one at a time and the reconstruction of the old schools will be done in the same way later on.

The new Education Acts have forced us to change our methods of dealing with our schools, and for the first time the school problem is being considered as a diocesan affair and not merely as a matter for the individual parish. Formerly when a priest thought the time ripe to build a school in his parish he consulted the bishop and, having got his consent, he proceeded to plan and to raise money (chiefly locally) for his school which provided for his children of all ages. Very often children from neighbouring parishes also came to the school, but the financial burden was left entirely to the parish that had had the courage to build the school. We have many schools that supply the needs of half a dozen or more parishes, but the priest-builder of the school is usually left with the honour of bearing the whole financial burden alone.

Three parishes in this diocese have built Central Schools for the older children of their district, and so popular have these schools become that in each case they receive pupils from over thirty parishes, but they are left to finance the schools unaided by the parishes which supply the children. There are five Grammar Schools for boys, receiving scholars from far and wide, but all the money has been provided locally, in two cases by religious orders and in the others certainly not by the parishes whose boys go to the schools. Two more such schools are needed. The secondary schools for girls likewise draw their pupils from large catchment areas, but the teaching sisters have the honour of financing the schools without help from the parishes which send girls to them. Of course, it is answered that the sisters are maintaining non-profit-making schools and can finance them from the salaries they receive from the education authorities, and this is true enough, but it does not alter the fact that they are bearing someone else's burden.

There are twenty-three special-agreement secondary modern schools to be built in London and Middlesex and two grammar schools for boys. There has been a grouping of parishes which are to send their children to the secondary modern schools and

they are backing the schemes financially. Sometimes it is a matter of four or five parishes sending their older children to the group school they are to build. In the thickly populated areas some seven or eight combine; usually it cannot be more for there would be too much travelling to and from school to make a success of the scheme. But let us consider the case in which three or four parishes have combined to build for their older children a special-agreement secondary school and have undertaken to finance it. Children from other parishes where there is no such school will want to attend, nor can they be refused admission provided there is room. If they are admitted it is surely reasonable that the said parishes should share the financial burden involved. But how could such a scheme be made to work? Boys from a parish might be going off to half a dozen different schools, modern, grammar, technical, commercial and the like. The girls, too, would be directed to attend schools outside the parish for various kinds of secondary education. How can the finance be equitably arranged?

Under the 1936 Act, and now under the 1944-48 Acts, the various dioceses formed Schools Associations of priests and laymen experienced in these matters to deal with the reorganization and grouping of schools, but the financial issue was left to be dealt with in due course when the schools were about to be built. The time has now arrived when the financial principles should be clearly stated and agreed upon by the clergy of the diocese before the development plans are put into effect. Probably the simplest way would be for the diocese to take over the financial responsibility for all the schools and form a common pool to which every parish would contribute its fixed quota. After all it is not a parochial matter but a diocesan one, and the bishop alone is in a position to balance the urgency of the various parochial needs and to administer the central funds. There are in every diocese parishes with large and well-to-do congregations which have never had, and are not likely to have, a school problem. What a monstrous injustice it would be for such parishes and congregations to be allowed to go on their own parochial way, doing nothing for the schools of the diocese and the education of Catholic children! It is the poorer parishes with large child-populations, and the new parishes

with everything to be built up from the beginning (presbytery, church and school), that will not be able to face the school problem unless help is forthcoming from the diocese as a whole.

The hierarchy has laid down the principles to guide us, and all our educational planning has been done as directed. Those principles are that Catholic schools shall continue to exist in the national scheme of education; that Catholic schools must be built wherever they are needed; and that no Catholic school shall become a "controlled" school, that is one where Undenominational Christianity is the staple fare in religious teaching and Catholic teaching an extra on two days a week for the children whose parents demand it. If this state of affairs as desired by the bishops is to continue, and if we are to work on these lines, we must raise the money to deal with each of our schools in its turn as Parliament has appointed in the recent Education Acts. We suggest that this can no longer be done in the old haphazard way and at the parochial level. It could be successfully attacked only as a single problem, the education problem of the diocese, the whole financial strength at command being brought to bear successively in those places where the development plans were being implemented.

W. J. WOOD

THE KING'S GREAT MATTER

FATHER PHILIP HUGHES has written another masterly book¹ and he must indeed have enjoyed the writing of it, for on every page he communicates his sense of full knowledge and understanding to the reader. Those who know his *History*

¹ *The Reformation in England*. By Philip Hughes. Vol. I. "The King's Proceedings", 1517-1540. 420 pp. 31 illustrations. 7 maps. (Hollis and Carter; 42s. net.)

of the Church will not need to be told that here also we have a swift and sure mastery both of the sources and of all the important modern works on the subject. Why, it may be asked, another general account of the Reformation in this era of monographs and specialist studies? Is it really necessary still to dispute (let us say) Pollard's estimate of the character and conduct of Henry VIII, or Coulton's notions of monastic morality, or the social and economic effects of the Dissolution of the Monasteries, or to distinguish the grievances that produced the Pilgrimage of Grace? In 1935 there was a spate of books about St John Fisher and St Thomas More, while Colet and Erasmus and Vives and the Christian Academy of Chelsea have all had their due. But apart from the fact that great issues call for restatement in each generation, there would appear to be one particular reason for the immense knowledge and assiduous labour that have been put into this work: not criticism of Protestant or Agnostic interpretations, but the clearing-up of a misapprehension entertained, and in some degree fostered, by Catholic writers. There are, perhaps, only two general histories of the Reformation which have survived the erosion of half a century or so of criticism and research: Gairdner's *English Church in the Sixteenth Century* and H. A. L. Fisher's *History of England from 1485 to 1547*. With most of the other books the Catholic scholar of today has no further need to deal, whether they be Anglican lucubrations about the sixteenth-century "revulsion" from the "arithmetical multiplication of Masses", or materialistic gibes about "the endless foolery of disputes about doctrine", or some flippant and callous attempt to show that there was nothing poignant or tragic about the destruction of the monasteries and that the extruded religious did not do at all badly in the end. Of such Father Hughes can well say: *non ragioniam di lor*, though in point of fact his book covers the whole story. But the special purpose, over and above the need for a fresh and forcible restatement, is the removal of the delusion that there was merely a "Henrician Schism"—and no Henrician heresy. That version of the Reformation in England, which may be called the Gallican version, was launched by French clerics unversed in the history of England, and imperfectly acquainted with the details and, it would seem, the *ipsissima*

verba of Henry VIII's pronouncements, certainly with the famous preambles to his Acts of Parliament. The view of these writers seems to be that Henry, in extruding the Pope from any part or lot in the English Church, had somehow contrived to remain within the limits of orthodoxy, and that, because he did not deny the Trinity, the Incarnation, Free Will, or Transubstantiation, he therefore did not fall into actual heresy. In the endeavour to establish this thesis, too much has been made of the contest for influence between the two parties among the English bishops during the revolutionary epoch, on the one side, Tunstall, Gardiner, Stokesley, Longland, Clerk, on the other, Cranmer, Latimer, E. Foxe, Shaxton, Goodrich; of the "reaction" from the Ten Articles of 1536 to the Six Articles of 1539; of Henry's rejection of the overtures of the Lutheran Princes of Germany and the consequent fall of Thomas Cromwell. For this view, expounded in well-known books, Father Hughes has no toleration. He says flatly there *was* heresy, that Henry VIII was not merely a heretic, but was deep in heresy, was, in fact, "an heresiarch", and he shows that the so-called Catholics among the bishops were just as deeply involved as Henry himself by the fact of their acceptance and defence of his supremacy. It is demonstrated, not only as Maitland said, that Henry in England became "the Pope, the whole Pope and something more than the Pope", that he claimed in explicit terms the cure of souls and talked about "his own church" and about a mystical body of which he was the head and his subjects the members, but also that he himself had said against Luther exactly what Pope Paul III was to say about him, viz. that his repudiation of papal supremacy was heresy as well as schism "by reason of taking away his kingdom from the Universal Church". Father Hughes thus enforces the truth which, again, other writers have striven to obscure, that the Reformation, for all its political and economic setting, was primarily and essentially a religious and theological revolution. In addition to the general testimony of a thousand years spoken of by St Thomas More, there were the canons of two General Councils: Florence 1439, and the recent Fifth Lateran, 1517. Thus the Gallican thesis of an "Henrician Schism" is demolished. All that is allowed in favour of the Catholic party among the

bishops is that they were "a group of publicists and theologians" working for the establishment of a régime where all was to go on as before except that the King was in the place of the Pope. They were, however, publicists by compulsion, acting under direct orders from, and in bodily fear of, the King. This comes out in Gardiner's *De Vera Obedientia*, in E. Foxe's *De Vera Differentia*, and in Sampson's Short Tract with the very long title. Gardiner was quite thorough about it, proving Divine Right from Scripture, Roman Law and English history; the King of England had always been Head of the Church. In the absence of historical knowledge such propaganda is always easy and it seems not to have crossed the mind of anyone that, if this were true, then the Headship in Earth, etc., had passed to and fro several times during the Wars of the Roses, until it was finally wrested from the pious Lancastrian by that debonair ruffian, Henry VIII's maternal grandfather, and, better still, that the result of Bosworth Field was to transfer it from Richard III to Henry's father. The latter, however, was so little aware of the extent of his prerogatives that he had actually asked for, and received, confirmation of his title from Innocent VIII.

The contention that the Catholic-minded bishops kept the King from yielding further to the Lutheran party is not fully examined in this volume, possibly because it falls rather into the latter years of Henry's reign, probably because the author does not believe that any of them *could* influence Henry, and the next volume will doubtless deal with the question whether Gardiner, Tunstall and the others endorsed Henry's policy because they deemed him sound on every doctrine except papal supremacy, or whether they went as far as they did in the belief that by so doing they were cutting the ground from under the Protestants. But in any case their theology must have been shaky, and there must have been a very patent lack of *scientia sufficiens*.

A very clear indication of the author's standpoint is furnished by the frontispiece, a facsimile of the signatures of sixty-six bishops, abbots and other dignitaries of Convocation to the rejection of papal supremacy ("The Bishop of Rome hath no greater jurisdiction . . . than has any other foreign bishop") and underneath are the words of St John Fisher: "The Fort is Betrayed." Indeed the distinctive attitude and originality of the

work are so strikingly displayed in the choice of the illustrations that particular mention of them is really necessary here. Instead of the familiar portraits now reproduced in every school-book there are facsimiles of certain pages of the more important historical documents, with the necessary transcripts, viz. title pages of Henry's *Assertio Septem Sacramentorum*, of More's *Dialogue against Tyndale*, of Henry's pamphlet, *A Glasse of the Truth*, of Marshall's English translation of the *Defensor Pacis* (1535), and Gardiner's *De Vera Obedientia*. There are also: an autograph letter of Fisher to Wolsey on marriage with a deceased brother's widow; Wolsey's letter to Gardiner describing his own particular fitness, all things pondered, for the papacy; a part of Warham's "Defence", when he was threatened, just before his death, with *Praemunire*; Cranmer's letter to Cromwell proposing that Fisher and More be allowed secretly to swear only allegiance to Henry and Anne Boleyn and not to the whole contents of the Act of Succession and Cromwell's reply, reporting Henry's rejection of this humane suggestion; and the famous letter of More to Cromwell in which the Saint tells how he came to be convinced of the Pope's primacy *jure divino*. Other interesting illustrations are letters from Lord Darcy, the Duke of Norfolk and Robert Aske in connexion with the Pilgrimage of Grace; and a page from the first edition of "The Defence of the Unity of the Church", Pole's philippic against Henry VIII. These documents are something more than routine illustrations: they strongly enforce the purport of the book. There are also, by the same happy stroke of originality, ten plates showing some of the achievements of English Late Gothic between 1485 and 1535; Bath Priory church, Louth tower and spire, Lavenham, Cirencester, and other lovely work. A return to an older fashion, very useful to the student, is a fully detailed and analytical Table of Contents with page numbers. This constitutes in itself a lucid précis of the narrative and is really more serviceable than an inflated index. Similarly, the bibliography is restricted to the complete titles of the numerous books quoted and it will be observed that only three French writers appear: de Lagarde, Professor Janelle and Professor A. P. D'Entrèves. The note of modernity in the whole production is enhanced, so to speak, by the author's racy and energetic style, pointed with such samples

of "plain English" as "a racket", "a fake trial", "the war of nerves".

Without adopting the postulates of any previous writer, Father Hughes begins by considering what kind of country England was in 1517, the year of Luther's revolt. The first chapter opens with a careful economic survey: population, industries, land tenure, farming, foreign trade, the towns and their guilds, especially the wool and cloth trades. Fr Hughes has a genius for figures and this comes out in his handling of the statistics of the religious houses. The Reformation came to intensify social and economic problems, not to create them. The Enclosures, for instance, began long before the Reformation; to the most powerful classes in the Kingdom the important thing then was the agrarian revolution. If a reform or revolution in Religion was to assist it, or coincide with it, well and good; if not, so much the worse for Religion; a foreign onlooker expressed the opinion that where interest came in, the English were entirely without conscience or honesty. All those changes were in motion long before any dogma or devotion had been questioned by anybody of education or position; and it will be remembered that no crusade, or great heresy, or great religious order had ever originated in England.

Thus the Dissolution of the Monasteries did not create the classes who were enriched by it; they were rich or well-to-do already, and were votaries of greed long before they knew anything about the New Learning. Again, Henry VIII had severed the chain of unity at its strongest link two years before the Lesser Monasteries were touched. Nor is there any need to dilate on "packed parliaments": that of 1515 had been so hostile to the clergy—witness the Hunne and Standish cases—that it had to be dissolved. When the Commons were summoned again in 1529 the legislation put before them for their confirmation was entirely to their taste; they acted, in fact, the part of a paid *claque* in a theatre: they liked the performance and it suited them to like it.

A general survey of the Church in England and—a more difficult subject—a picture of Catholic Life and Thought complete the introductory part of the work. The adverse influences are carefully described: the weaknesses and abuses, scanty and

arid preaching, slackness and the spirit of routine, poor training and poverty of theological formation (if any at all) and the insufficiency of that *devotio moderna* on which Father Hughes has a very definite opinion. Above all, there was the unfortunate circumstance that the bishops were in a very low degree churchmen and in a very high degree officials who had been rewarded for their services with bishoprics. Father Hughes himself long ago pointed out that most of the English sees at the opening of the Reformation were held by lawyers and officials who had been the King's servants as ambassadors and the like: nearly half of them had held the Mastership of the Rolls. This was particularly the case with those government servants—they were just that—who had formed Wolsey's staff, who nearly all became bishops and who naturally and inevitably were the King's agents in the changes that followed Wolsey's fall: Ruthall (Durham, 1509-23); West (Ely, 1515-34); Vesey (Exeter, 1519-51); Clerk (Bath and Wells, 1523-41); Stokesley (London, 1530-39); E. Foxe (Hereford, 1535-39); Sampson (Chichester, 1536-43; Coventry and Lichfield, 1543-51); Rowland Lee (Coventry and Lichfield, 1534-43). Underlying all these elements of weakness was a strong remnant of the old Lollerdry which had never died out. In the thirteen years before the appearance of Luther, viz. 1504-17, there had been in England no fewer than 365 processes for heresy and twenty-seven people had been burnt. The tradition of Wyclif and Hus was still alive among labourers and the workers in small towns, especially among weavers, cloth-workers and tailors. Curiously enough, the centre of that industry was then Wiltshire, which had no fewer than sixteen boroughs and their thirty-two M.P.s, and it may not be without significance that the earldom conferred by Henry on Anne Boleyn's father was that of Wiltshire. Above all, there was the powerful influence of Tyndale whose *Obedience of a Christian Man* was to captivate Henry VIII as *Il Principe* had captivated Thomas Cromwell.

Father Hughes is no admirer of Wolsey. He does not agree with Creighton that Wolsey was a great political genius and a devoted patriot, or with Ernest Law that he was a great War Minister, or with those who started the myth that he was the inventor of "The Balance of Power". Wolsey's foreign policy

was conceived not in the interests of England from any secular standpoint but in his own personal interest. It was disastrous in that he helped Henry to empty the treasury by unsuccessful war, whilst his diplomacy achieved absolutely nothing. The truth is that his foreign policy was tied to "the legacy" (i.e. his position as Legate *a latere*) and he attempted to use English affairs and English power as a means to his own ends—the attainment of the papacy. That is why he changed sides as and when he did. And it was not so much his autocratic power over the Church in England as the manner in which he used it that made him the enemy of the bishops, and of the clergy, secular and regular, whilst his ministerial autocracy, exercised as Lord Chancellor, made him hated by Lords and Commons. His "Caesaro-Papism" led directly, of course, to that of Henry, after he had simultaneously intensified both absolutism and anti-clericalism, the two forces used by Henry to effect his own purposes. Thus "the King's proceedings" were made smooth for him by the confluence of many streams, by Lollardry, by land-hunger and commercial greed, by the Enclosures, by Lutheranism, by Tyndale and his Bible, and especially by Wolsey and his "legacy". There would have been trouble if Anne Boleyn had never been born; but Wolsey made matters worse by first providing a pattern of absolutism and arbitrary action in Church and State, and then by promising Henry that he could procure the Divorce—without the least idea of the use that Henry intended to make of it. When the plan miscarried Henry's anger and bitterness did the rest. There was, of course, nobody else but Henry who could have harnessed and kept in motion the forces set to work in the autumn of 1529. "The King's Proceedings" were, indeed, an extraordinary personal achievement, the "combination of cold, impenetrable brutality and sinuous craft", for the despot had no standing army, and if Robert Aske had possessed energy, resolution and boldness, Henry would have lost his throne.

It is stated in Chapter IV that it is not a history of the Divorce, but here and in the following pages will be found the clearest and most cogent account of it that any student is likely to find in any one book. From the Divorce affair and its outcome was derived, says Fr Hughes, "the peculiar spirit in which

the religious revolution was carried through, that active, aggressive, bitter, revengeful blood-thirstiness, the craft, the cruelty, the lies, the royal affection of piety, the personal resentment that borders on mania". The fundamental point in the complicated story is that the King *in form* asked for the Pope's judgement about his alleged scruples, whether he was truly married to Katharine or whether his marriage was one forbidden by *Leviticus*; what he demanded *in fact* was that the Pope should confirm his own judgement that he was not truly married. He did not want the Pope's opinion on the point but the Pope's assistance to enable him to marry again. He had already decided the question for himself and had resolved that the Church should bless and ratify what he had decided. This, Fr Hughes says firmly, is itself heresy. That is the root of the matter.

There are in these pages three other specific contributions to the clear understanding of the Divorce proceedings. First, it is shown that in 1517, ten years before the question was openly raised, the great theologian, Cajetan, had been studying this very question of recent papal dispensations for impediments of affinity in the first degree, and in so doing had taken notice of the marriage of Henry to Katharine of Aragon, without, of course, knowing that her previous marriage to Arthur had never been consummated. Cajetan nevertheless held that the marriage with Henry was good because of the dispensation by Julius II. It was the sovereign prerogative of the Pope to interpret ambiguities in Scripture and to decide accordingly, and this had duly been done. The Pope, the supreme judge, had decided that such unions were not contrary to God's law. The second point is the demonstration that, so far from Clement VII being intimidated by the Emperor—the persistent assertion of all English non-Catholic writers—the whole pressure on the Pope came from Henry, who kept demanding that Clement should decide the matter without Katharine's case being heard at all. He and his lawyers and envoys exerted all their ingenuity to hold up the case in the courts at Rome, once Katharine's appeal had made it impossible for him to present Clement with the *fait accompli* of a legatine sentence pronounced in England. The third is a piece of evidence never cited in any English work so

far, though available since 1893 in the Collection of Roman Documents (1527-34) edited by Dr Stephen Eshes. This is the full text of one of the various draft replies prepared in Curia, but not actually sent, to the letter of the English nobles to the Pope (July 1530). A translation of this draft by Cardinal Accolti is given in Appendix IV. It is one of several such replies, all equally explicit, explaining to Henry that what he asks is impossible and why. The letter actually sent by Clement was to the same effect, and it recited, *inter alia*, that when the Queen's proctors had lodged her appeal to Rome, the Pope had, in his affection for Henry, done all he could to hinder and delay their efforts to bring on the case, in the hope of finding some solution other than a formal trial in which the King must lose. This is the real truth of the matter, and very different from the version to be found in English history books. The monstrous effrontery and bad faith of Henry is thus brought out with striking clearness, from the first collusive proceedings in which Katharine had no *locus standi* and of which she was kept in ignorance, down to the final shameless demand that, without hearing her side at all, the Pope was to give Henry leave to marry a woman to whom he was, by previous adultery with her sister, related in exactly the same degree as he would have been related to Katharine, had her marriage with his deceased brother ever been consummated. It is for refusing to comply with this impossible demand that Clement VII has been abused ever since.

Another vital part of the book is the author's judgement on the Ten Articles of 1536, for it has been contended by Catholic writers that these articles were free from all taint of heresy. "Before Edward VI," says the Abbé G. Constant, "the doctrine was orthodox." Fr Hughes, however, finds in these Articles ambiguity and traces of Lutheranism; in particular, the Lutheran term, "acceptation" in the article on Justification and nothing about sanctifying grace. In the last article, on Purgatory, he finds the one solitary reference in the whole document to the Mass and this "in flat contradiction with Catholic teaching, as is also the statement about Indulgences". He holds therefore that these Articles do savour of heresy. With regard to the question of Masses for the Dead, it need only be remembered that by the Dissolution of the Monasteries Henry had

put an end for ever to the saying of thousands of Masses, and this act led directly to disbelief in the efficacy of such Masses and before very long to the abolition of the Mass itself. The first step in this process was from the Dissolution to the Chantries Act 1547; the second, much shorter, taken in the next reign, was from the suppression of the Chantries to the First Prayer Book of 1549.

The present volume ends with the fall of Thomas Cromwell, 1540.

It only remains to add that this learned and brilliant work crowded with names and dates and references has evidently been revised with minute care. There are only two parenthetical remarks that might possibly be queried: the third Duke of Norfolk, the uncle of Anne Boleyn and of Katharine Howard, was not the victor of Flodden, but his son; and the cleric who performed the secret marriage of Henry and Anne on 25 January, 1533, was probably not Rowland Lee: he is now believed to have been George Brown, Provincial of the Austin Friars. Both points are, however, quite unimportant and do not affect the validity of any statement in the book. Needless to say, the second volume which will cover the less-known years of the end of Henry's reign and the reigns of Edward VI, Mary and Elizabeth will be awaited with eagerness and with immense expectations. The whole work will be extraordinarily informative and instructive; it will doubtless be used widely in universities, seminaries and schools and should be especially enlightening in Theological Colleges.

J. J. DWYER

BLESSED THOMAS PERCY, 1528-1572

PERSECUTORS of religion in almost every period of history, most strikingly indeed in our own times, have this in common, that they are at pains to give to activity inspired by purely religious motives a political interpretation. It is as if

they cannot trust even themselves off their own ground. During the English Reformation the upholder of papal supremacy or of the Church's teaching on grace and the sacraments, the priest concerned only with pastoral affairs, was arraigned before the courts on a charge, not of heresy, but of high treason. Learned divines would be sent to tackle the prisoners on points of dogma in the seclusion of their cells, but before the world no such risk was taken.

The nature of the individual martyr's contribution to the preservation of the Faith was to a large extent determined by the historical circumstances in which he lived. The note of vigorous activity which characterized the counter-Reformation following the arrival of the first seminary priests from the Continent in the '70s could not have been in more striking contrast to the inertia which preceded it. The Elizabethan settlement of religion was, during the years between 1558 and 1569, gradually establishing itself without there being conformity in any remarkable degree or, on the other hand, very active resistance. The first years of Elizabeth's reign up to 1570 produced no martyrs, whereas hardly a year passed thereafter without adding to the number of those who died for the Faith. The Northern Rising, of which Blessed Thomas Percy was the leader, occurred in 1569, and the reawakening which followed it held the Catholic body together until the arrival of the seminary priests shortly afterwards and the initiation of the counter-Reformation.

The forty-four years of Thomas Percy's comparatively brief life covered a period in English history which witnessed more momentous changes than almost any other. He was born in 1528, the son of Sir Thomas Percy and the nephew of Henry, the sixth Earl of Northumberland. In that year England was still a Catholic country, although the first significant moves in the religious struggle that was to come had already been made; in 1527 Henry VIII had sent his envoys to Rome to enquire into the question of the validity of his marriage. The future seventh Earl of Northumberland was one year old when the Reformation Parliament began in 1529, and a schoolboy of seven when St Thomas More and St John Fisher suffered martyrdom. He lived to see the Reformation develop under Henry

VIII and Edward VI with the rejection of papal supremacy, the suppression of the monasteries and the publication of the New Prayer Book. He witnessed the Pilgrimage of Grace in 1537—the uprising in that part of England to which his family traditionally belonged—in protest against these changes and in particular against the attack on monasticism. He may well have been by then of an age to realize something of what the execution of his father for his part in the Pilgrimage was to mean to himself. When later in the same year, 1537, Thomas Percy's uncle, the sixth Earl, died, the family titles became extinct. Though they were his by right of inheritance Thomas Percy was debarred from the succession, and from the annuity left him by his uncle, as a result of the attainder under which his family had been placed by his father's condemnation for high treason. Throughout the remainder of Henry's reign Thomas Percy lived under a cloud of public outlawry, but also, by a strange irony, under the generous patronage of the same Duke of Norfolk whose zeal had crushed the Pilgrimage of Grace.

In 1549, only two years after Henry's death, Thomas Percy was knighted by the Protector Somerset and the Council. In 1553 Mary Tudor came to the throne and another phase in his life began—a phase again distinguished by its striking contrast with all that preceded it and all that was to follow. In 1557 his full titles were restored, and Thomas Percy became the seventh Earl of Northumberland. In the following year Mary Tudor died and Elizabeth succeeded to the throne, while Mary Stuart added the arms of England to those of Scotland and France upon her shield.

The short-lived and indecisive attempts of both Edward VI and Mary I to give to the religious life of their country an impetus that would carry it in two completely opposed directions, and the complexity of the political setting in which England found herself in the year of Elizabeth's accession, together with the new Queen's somewhat enigmatic attitude in the first months of her reign towards the religious situation as she inherited it, all served to make it increasingly difficult for men in Thomas Percy's position to find their true bearings. The Spanish ambassador wrote of Elizabeth just after she came to the throne that she thought "as they her people do". Her people at that

moment may have been under the same impression, but they were soon to learn that the effective principle of her statecraft was to be *suprema lex, regis voluntas*. As the idea of mediaeval kingship faded without its associations being entirely forgotten, that of personal sovereignty, of which Elizabeth was to become the archetype, was already well advanced. Equally the influence of the mediaeval papacy in Europe was declining while the doctrines on which it rested were being hotly debated.

These were the factors which Catholic England as a whole had to sift and equate at the commencement of Elizabeth's reign, and to these may be added others of a more personal character which make the activities and motives of the seventh Earl of Northumberland not easy to analyse. There were political forces which would naturally commend themselves to him as a faithful supporter of the old religion. On the other hand, as the head of a family renowned for its allegiance to the crown, the idea of furthering, even indirectly, the cause of a foreign power would be repulsive to him. Closely allied to the privileges of the Earldom of Northumberland was the duty of defending the northern frontier of England against invasion from Scotland or elsewhere. In April 1557 he had won back Scarborough castle from Sir Thomas Stafford who had entered into a conspiracy with the king of France against Mary Tudor. In the years which followed he was frequently called upon to deal with frontier incidents on the Scottish border. He must, however, have been very well aware that when Elizabeth's religious intentions had been made clear beyond all doubt it was to Mary Stuart that many Catholics looked for the restoration of their religion. Contrasted with this he saw the peaks and depressions succeeding one another with bewildering rapidity in Elizabeth's foreign policy towards Spain, and he knew of the relationship between that country and the Pope.

Whatever may be the reason why the Earl of Northumberland did not attend, still less record a vote at, the sessions of Elizabeth's first Parliament in 1559 at which what Holinshead calls "the device for the alteration of religion" passed into law, there is little to suggest that it was infidelity to his religion. He, like many of his contemporaries, may well have failed to understand that Elizabeth's habit of escaping from Mass before the

consecration and her general insolence towards the practices of the Church marked the true spirit of the policy which she and Cecil intended to pursue. Her promise to maintain the privileges of the ancient Church could therefore be discounted, but only her first Parliament completely betrayed her. Thomas Percy's name is recorded as one of those present in the Lords a week later, when the change in religion had been established in law, and he then attempted to make up for his previous absence by taking a leading part in an ineffective protest against the new statutes.

Percy spent the ten years which elapsed between Elizabeth's first Parliament and the Rising in 1569 either in the North, fulfilling his duties there as Warden of the East and Middle Marches, or on his estates in Sussex, where in 1563 he entertained the Queen and was made a member of the Order of the Garter. His reputation as a leader among the adherents of the Church did not bring him during those years to an open and final crisis, but it earned him the unceasing attentions of Cecil's spies. The allegations are, in their essentially hearsay character, exactly what one would expect to be made against a man whose only crime was his religion. Nearer the surface there were several disputes with Cecil and his agents about the hereditary rights of the Earls of Northumberland, and a protracted exchange of unyielding letters over Cecil's claims upon the copper mines on the Earl's estates. Cecil's spy system was comprehensive and ubiquitous; he had few paid informers, but there was a host of minor officials who regarded a small chance of preferment at Court as sufficient reward for their endeavours.

It is a not insignificant testimony to Thomas Percy's loyalty that in all the evidence collected in the State Papers—whether from sources hostile to him or from his friends—there is nothing that would constitute matter for a charge of treason before the courts. Throughout the decade which followed Elizabeth's first parliament there was a growing consciousness of the extent and irreversibility of the change she had made in the religious affairs of the nation. The effects of the restoration under Mary Tudor were rapidly fading as the hierarchy and clergy she had re-established died out and the practice of the faith became more and more a thing of the past, even in the North where the

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prevailing spirit and sympathy remained essentially Catholic. The scope of the Act of Uniformity was being widened year by year and the number of those who were required to subscribe to it increased, as did the penalties for those who refused to do so. The isolation of English Catholics from Christendom as a whole, and in particular from its centre, was extreme, and the counter-Reformation had not yet begun. Douai was established in 1568 and the first missionary priests arrived in 1574.

In the year in which Douai was founded Mary Stuart arrived in England, and the hopes of Catholics began to associate her once again with a change in their fortunes. This is not surprising. Her claim to the Succession was a valid one. But the anxiety of men like the Earl of Northumberland for her welfare need not be regarded as a sign of their intention to dethrone Elizabeth and crown her Scottish cousin. It sprang from the highly practical consideration that, while Mary Stuart lived, the chance of a Catholic succeeding Elizabeth remained. If, on the other hand, Mary died, the Succession would pass to a Protestant line. That Elizabeth saw the validity of this reasoning is shown by her almost fanatical sensitivity to any allusion to the Queen of Scotland. It was natural that when Mary Stuart arrived in the part of England for which Thomas Percy was responsible he should have asked Elizabeth for the privilege of acting as her keeper. Nor can we wonder that Elizabeth refused and gave the Queen of Scotland into the custody of one less well-disposed towards her cause. There appears to be no reason for reading into this incident more than the known facts warrant. When Mary was no longer a thorn in Elizabeth's side, neither her hatred for the Church nor the fidelity of Catholics towards it showed any sign of abating. Mary Stuart was an incident, not a cause, so far at least as Thomas Percy was concerned.

The cause for which he lived and for which undoubtedly he died was his religion. This is proved alike by the witness of his own life and by the writings of his opponents. The Rising of the North which began in November 1569 and lasted a bare fortnight was, judged by its achievement in fulfilling its declared purpose, a complete failure. As a military campaign, moreover, it was ill-advised and evidently unplanned. Impatience at

Elizabeth's growing success in crushing out the Church, disappointment at the apparent unconcern for their plight on the part of Catholics abroad, and the realization that with the imprisonment or disaffection of the Catholic gentry in the South they alone remained—it was all this that prompted the leading Catholics of the North to launch the Northern Rising at a Council held at Topcliffe on 14 November. The decision was not unanimous, and the Earl of Northumberland's consent to it was given with hesitation and doubts as to its advisability. But once committed to it he pursued it with greater determination than some of those who voted for it at the Council with unqualified enthusiasm.

It is not necessary here to pursue the rebellion to its foregone conclusion through a series of minor successes, with hardly a single engagement with the enemy in the field and the final withdrawal for want of supplies rather than of men. But there arose out of the rebellion several documents which throw considerable light upon the motives which inspired it. There were in the first place the proclamations¹ issued by the Earl of Northumberland jointly with the Earl of Westmoreland on 15 and 17 November, 1569. In these the Earls made it clear that their quarrel was not directly with the Queen but rather with "divers new set up nobles about the Queen's Majesty" who for reasons of personal aggrandisement had furthered the cause of the "new found religion and heresy" and done all in their power to destroy the ancient Faith. The ranks of the nobility were divided on a religious issue; the active protagonists of Protestantism were, broadly speaking, members of Cecil's new order, not the disloyal descendants of an ancient line. The division between them was not alone one of religion or of lineage, but, as it happened, of geographical distribution also. Protestantism had taken root more assuredly in the southern counties. Catholicism had found its stronghold in the North. The proclamations also stress that the Earls saw in the rebellion the only means of fulfilling their duty towards God which bound them "for the setting forth of his true and Catholic religion". Much that was subsequently written on this period associated the counter-Reformation in all its aspects with a compromise between English

¹ *Dom. Add. Eliz.*, p. 111.

Catholics and a foreign power. It is significant, therefore, that the Earls in these proclamations repudiated Catholic intervention from overseas in the internal affairs of their country and assert that it was to prevent such an evil, by a restoration from within, that the rebellion was launched. Nowhere again is there any word to question Elizabeth's right to the throne or to uphold the claims of any pretender.

The fact that the restoration of the Catholic faith was the sole purpose of the rebellion as Thomas Percy saw it is borne out moreover by his enemies. In writing what they felt would be acceptable at the Court, they unwittingly paid an enduring tribute to the Earl of Northumberland's motives.¹ This is not to suggest that while the long debate continued in the weeks which preceded the rebellion there were none who gave evidence of mixed motives. But the Earl of Sussex, writing to the Queen on 30 October, 1569, drew a clear distinction between the Earls and their "evil counsellors . . . the motives of whose counsels seem of divers natures; the Duke of Norfolk, the Scottish Queen, religion, and some perhaps all three". On 13 November Sussex wrote to Cecil, "These Earls and their confederates will do what they can for the cause of religion." On 15 November, the day the rebellion broke, Sussex and four other members of the Council of the North wrote to Elizabeth, "The Earls . . . intend to make religion their ground," and on 20 November Sussex wrote again, "The people like so well their cause of religion that they flock to them." "He is a rare bird that has not some of his with the two Earls, or in his heart wishes not well to their cause." Some of the gentry of the North did not actively support the rebellion, though very few indeed gave any assistance to Cecil. They saved their faces—and in the end their skins—by remaining, as Sussex put it, "in their houses as neuters". Among the common people support for the Rising was given on a scale which caused the Council considerable alarm. Sadler reported at the end of the first week that there were seven thousand men actually in arms behind the Earls, a figure which gives some indication of the strength of their total following. Again, the number of executions which followed the Rebellion is a measure of the support it received. The reprisals

¹ *Dom. Add. Eliz.*, p. 108 *et passim*.

were of an unprecedented ferocity and chiefly affected the common people. Then, as now, it paid to have friends in high places when the police were about. In the county of Durham alone three hundred individuals suffered death as a result of the Rising.¹

When all hope for the Rebellion had faded, the Earl of Northumberland retired into Scotland with a considerable part of his forces. "The vermin be fled into a foreign covert," as Cecil put it. It was the middle of 1572 before the Earl was brought back from the foreign covert on payment of a ransom of 10,000 gold crowns. It is interesting that the same sum had been advanced jointly by Rome, through Dr. Allen, and by Philip II of Spain, through the Duke of Alva, for the Earl's redemption. The English coin materialized first, however, and the Earl was brought South.

On 5 June, 1572, the Queen wrote to Lord Hunsdon that he was "to examine him the Earl of Northumberland upon articles sent herewith". It is these questions and the depositions² made by the Earl in answer to them which, more perhaps than any other document connected with his case, reveal the motives for his opposition to the Queen and her Government. The whole document runs to several pages of the State Papers and it is impossible here to do more than quote the relevant passages.

Asked about his "conference with the Spanish ambassador about the Scottish Queen", he replied that he had had one conversation with the ambassador during which "nothing was said, as Bates can testify, of the advancing the Queen of Scots, invasion or imperilling Her Majesty". (Thomas Bates was an interpreter.) Of his written and oral communications with Mary Stuart, Thomas Percy stated that he encouraged her "specially to regard the advancement of the Catholic religion", and told her how unacceptable her suggested marriage to the Duke of Norfolk would be since he was a Protestant. The Earl of Northumberland was not the man to produce false evidence. (Even his interrogator, Lord Hunsdon, who had little time for the old religion, was impressed with the truthfulness of his replies.) It is noteworthy, therefore, that he should have said in

¹ Lingard, *History of England*, Vol. VI, p. 217.

² *Dom. Add. Eliz.*, p. 402.

the depositions that he could remember no occasion on which the question of proclaiming Mary Stuart Queen of England was discussed. He and his confederates hoped only to secure the freedom of one who was "the second person and heir apparent". There had been considerable discussion in the Council shortly before the Rebellion as to who was to succeed Elizabeth, and the members of the Council were sharply divided in their answers. When news of this meeting and of the fact that there was considerable opposition in high places to the claims of Mary Stuart reached the North, Thomas Percy felt that a vital, and perfectly legitimate, hope on which he had relied for the restoration of the Catholic faith was being dashed. It was at this juncture that the idea of the Rebellion presented itself to the Earl and his confederates. This account, paraphrased from the depositions, is borne out by evidence from other sources. The Rebellion was concerned with succession rather than deposition. At a later point in the interrogation the question was raised again, and Thomas Percy gave as the object of the Rising "the reformation of religion and the preservation of the person of the Queen of Scots, as next heir, *failing issue of Her Majesty*".¹ How far removed the new religion was from the old was so evident to the Earl of Northumberland that a note of irritation enters his answers at this point. He expressed the pious, if slightly acid, hope that Lord Burghley, who to his "singular judgement" could now add "godly inspiration", had come "by this time to discern cheese from chalk". In answer to the question, "Were you reconciled to the Church of Rome before the Rebellion, and how, or by whom?", Thomas Percy replied that he was "reconciled by Master Copley two years before our stir". This statement is not further elaborated and it is impossible to say what was the exact nature of, or reason for, this reconciliation. It may have been conditional and not specific in character. At any rate there appears to be no evidence that Thomas Percy apostatized at any time, and on the scaffold he said that "from my earliest years down to this present day I have held the Faith of that Church which, throughout the whole Christian world, is knit and bound together".

He was later questioned about "the bull against the Queen",

¹ Italics not in original.

that is the bull of excommunication, *Regnans in excelsis*, promulgated by Pope Pius V in the year after the Rebellion. In reply the Earl said that he never "perfectly understood of any bull from Rome against the Queen but heard that one was set up on the Court gates". He had, of course, been a fugitive in Scotland or in captivity since 1570 and therefore isolated from circles in which such matters would be discussed. But the excommunication had been widely spoken of among Catholics for some time before it was actually put into effect, and there is evidence to show that rumours from abroad had anticipated its promulgation. Thomas Percy said in the depositions that after the Duke of Norfolk had been committed to the Tower (that is, shortly before the Rebellion) there had been a division amongst his confederates as to "whether it was lawful to rise against our annointed Prince". Both schools of thought appear to have had no doubt that rebellion against an excommunicated monarch was legitimate. The division arose as to whether Elizabeth was *ipso facto* excommunicated by refusing, as she certainly had refused, to receive the Papal legate. The Earl stated in the deposition that, in the absence of any authoritative answer, the question was set aside. It does not appear in any case to have been of more than academic interest to him as far as the practical aims of the Northern Rising were concerned. It had all along been the Earl's intention to direct the Rebellion, not against the Queen, but against the Protestant faction in the Government. The deposition of the Queen had not at any time been part of his programme; he was concerned only with the restoration of the Catholic religion. Inevitably there were some who regarded Elizabeth's dethronement as a *conditio sine qua non* of such a restoration and it was presumably at their instigation that the former question was raised.

In his letters and in those of his enemies, as in the proclamations he issued at the commencement of the Rebellion, the weight of the objective evidence accumulates to prove that the Earl of Northumberland's policy was directed solely towards the restoration of the Faith in England. He was responsible, too, for the fact that wherever his forces passed the Prayer Book was set aside and the Mass restored. In Durham, for example, High Mass was celebrated for the first time in eleven years on St

David's day, 1569. How little Elizabeth really believed that Thomas Percy's crime was high treason is shown by the fact that shortly after his condemnation he was offered his life if he would abandon his faith.¹ The proposition was, of course, unacceptable, and after a brief exchange with the Dean of York on controversial matters he was beheaded at York on 22 August, 1572.

THOMAS HARPER

QUESTIONS AND ANSWERS

EMERGENCY BAPTISM

Is there in existence a leaflet which could be given to Catholic nurses, who are often called upon to baptize in emergency, explaining to them clearly the law of canons 746-748? (A. B.)

REPLY

When this question was put a few years back we² were unable to mention any leaflet of the kind desired. There has now appeared a Bellarmine Special Leaflet entitled "Emergency Baptism of Infants"³ which is exactly what has been needed for some time, and can be strongly recommended to the clergy. It explains what is to be done at Baptism normally administered, whether absolutely or conditionally, and also the procedure in the special emergencies envisaged in canons 746-748. We admire especially the proper reserve which the authors have maintained about certain situations which are scarcely suitable for description in a leaflet, and in which the decision should be left to nurses after consulting a confessor about the circumstances. We refer, for example, to the question of nurses baptizing non-

¹ *Responsio ad Persecutores*. (Published by Bridgewater), Fol. 316.

² THE CLERGY REVIEW, 1943, XXIII, p. 180.

³ Heythrop College, Chipping Norton, Oxon. 50 for 25.

Catholics in public hospitals where it might cause some difficulty; or to the question of carrying out the instruction of the leaflet about baptizing an early miscarriage in cases where the hospital wants to preserve a fetus, with its membranes intact, as a specimen.

VALIDITY OF BLESSING "IN ARTICULO MORTIS"

What is the minimum required for the valid imparting of this blessing with its plenary indulgence? I have in mind the requirements in the form used and the dispositions of the recipient. (D.)

REPLY

Canon 468, §2 : Parocho aliive sacerdoti qui infirmis assistat, facultas est eis concedendi benedictionem apostolicam cum indulgentia plenaria in articulo mortis, secundum formam a probatis liturgicis libris traditam. . . .

S.C. Indulg., 5 February, 1841; *Fontes*, n. 5017: 5. Utrum sufficiat recitatio Confessionis, idest *Confiteor*, etc., in Sacramento Poenitentiae habita, pro recitatione illius praescripta, quando impertienda sit benedictio cum indulgentia in mortis articulo? *Resp.* Negative iuxta praxim et rubricas, nisi necessitas urgeat.

6. Utrum necesse sit tribus vicibus recitare *Confiteor*, etc., quando administratur sacrum Viaticum, extrema Unctio, ac indulgentia in mortis articulo impertitur? *Resp.* Affirmative iuxta praxim et rubricas.

8. Utrum sacerdos valide conferat indulgentiam plenariam in mortis articulo omissa formula a Summo Pontifice praescripta, ob libri deficientiam? *Resp.* Negative, quia formula non est tantum directiva, sed praeceptiva.

S. Off., 1 September, 1851; *A.S.S.*, XXVIII, p. 67; *De Angelis*, *De Indulgentiis*, p. 105: Si on peut se tenir au *Confiteor* recité une fois dans l'administration du SS. Viatique et de l'Extrême Onction données de suite à un malade, et aussi dans l'application de l'indulgence *in articulo mortis*, quand celle-ci a lieu en même temps que l'administration de l'un et de l'autre

de ces deux sacraments. *Resp*: Si immineat necessitas conferendi unum post aliud immediate, licere semel in casu, secus repetatur.

S.R.C., 8 March, 1879, n. 3483: . . . num liceat in imperiendi absolute generali papali, ad contagium evitandum, uti brevissima formula. . . . *Resp*. Affirmative in casu.

S.C. Indulg., 22 September, 1892; *Fontes*, n. 5115: . . . invocatio, saltem mentalis, SS^{mi} Nominis Jesu est *conditio sine qua non* pro universis Christifidelibus, qui in mortis articulo constituti, plenariam indulgentiam assequi volunt, vi huius Benedictionis. . . .

In these days a plenary indulgence, with or without the papal blessing, may be gained at the hour of death on any number of titles, such as adscription to some pious association or the possession of an indulgenced crucifix; this multiplication is not entirely futile since certain conditions *ad validitatem* are attached to them all, and if one title is inoperative the indulgence may be gained on another.¹ The following notes are limited to the blessing referred to in canon 468, §2, which concedes to all what used to be the privilege of those enjoying the faculty stabilized and explained by Benedict XIV in *Pia Mater*, 5 April, 1747.² This papal constitution imposed a formula, substantially that of our present ritual, the composition of Cardinal Camillus Cybo-Malaspina in 1726.³

i. It is clear from the above citations that, in principle, the formula of the Ritual, Tit. v, cap. vi, must be used for the valid imparting of the blessing and indulgence. *S.R.C.*, 3 June, 1904, requires the formula to be in Latin "quia haec benedictio est precatio stricto sensu liturgica",⁴ but its force is somewhat weakened owing to the omission of this decision from the *Decreta Authentica* of the Congregation. We think that the vernacular form is valid.

ii. The strict interpretation of *Fontes*, n. 5017, 6, repeated in all the manuals, was considerably relaxed by the Holy Office, 1 September, 1851, in the sense that when it is necessary to confer all the last sacraments at one time a single recitation of the *Confiteor* suffices. Nearly all the writers rely on *Fontes*, n.

¹ Thus Gougnard, *De Indulgentiis*, p. 137.

² *Fontes*, n. 380.

³ *Ephemerides Liturgicae*, Ius et Praxis, 1937, p. 25.

⁴ Beringer, *Les Indulgences*, I, p. 596; *Q.L.P.*, 1920, p. 308.

5017, and ignore the reply of the Holy Office in 1851. We think there is sufficient authority for a single recitation in the circumstances;¹ the necessity need not be grave, and still less the kind of urgency that would justify the short form.

The directions in n. 2 of the Ritual do not pertain to the essentials of the form, and all the best commentators permit the *Pax* salutation and the *Asperges* once whenever all the last rites are administered at one time.

iii. For reasons which are not quite clear the ritual gives under n. 7 a duplicate short form for use in cases of necessity: the second (the shorter of the two) may always be used when the complete form has to be omitted, and most priests know it by heart. The necessity which most of the official texts have in view is that of the recipient, especially the proximity of death, but *S.R.C.*, n. 3483, extends the notion of necessity to cover that of the priest in cases of contagious disease. Some writers extend it to the case where the priest lacks a ritual but knows the short formula by heart, and it is doubtful whether the sick person will live long enough for a ritual to be obtained.² The short form could be used also, in our opinion, when a priest is attending a number of dying people and speed is necessary in order to be sure of reaching them all.

If we suppose that, without any real necessity, the short form is wrongly used, the efficacy of the blessing is doubtful: this is inferred from the insistence of all the official directions on the use of the authorized form, but we can find no commentator who expressly draws any conclusion either for or against its validity. We suggest that, in these circumstances, the blessing should be repeated *ad cautelam*; otherwise, no repetition is necessary if, in a case of real necessity, the sick person continues alive after receiving the blessing with the short form.³

iv. On the recipient's part the conditions required for validity, in addition to those necessary for all indulgences, are the invocation of the name of Jesus and the resigned acceptance of death.⁴ Sacramental confession is not required, nor even an act

¹ Dunne, *The Ritual Explained*, p. 87; *American Ecclesiastical Review*, 1919, LXI, p. 590.

² Dunne, *The Ritual Explained*, p. 82.

³ Cf. *Ephemerides Liturgicae*, 1926, p. 231.

⁴ THE CLERGY REVIEW, 1950, XXXIII, p. 54.

of contrition, except when either may be necessary for getting into a state of grace. Though the earlier texts seem to limit the blessing to sick people, it is now certain that it may be given to those in danger of death from other causes.

CONFIRMATION RITES

A decision being left by the confirming prelate with the M.C., the latter would like to know: (a) whether an auxiliary bishop uses the crozier at a solemn confirmation when anointing the recipient; (b) whether the recipient or an assistant answers "Amen" after the formula "Signo te"? (X)

REPLY

Canon 337, §2: *Exercere pontificalia in iure est sacras functiones peragere quae ex legibus liturgicis requirunt insignia pontificalia, idest baculum et mitram.*

(a) *Caerem. Epp.*, I, xviii, 5: *Utitur ergo Episcopus baculo pastorali in sua tantum civitate, vel Dioecesi, et etiam alibi ex permissione loci Ordinarii, et ubi consecrationes, aut ordinationes, vel benedictiones personales facere, ipsi Apostolica auctoritate conceditur.*

Commenting on this text Nabuco observes, firstly,¹ that an apostolic indult is not required if the local Ordinary² concedes the use of *pontificalia*; and, secondly, "*Benedictiones personales de quibus loquitur textus sunt illa Iae Partis P.R., videlicet abbatis, abbatissae et virginum, sed usus receptus concedit baculum pro aliis functionibus propriis, uti confirmatio.*" Certain episcopal functions cannot be performed without a crozier, e.g. the signing of the alphabet when consecrating a church; in other functions its use is directed by the rubrics, as at solemn Confirmation, and the Ordinary's permission includes its use at the function.

The use of the crozier when anointing the recipient is directed in the second formula of the Pontifical "*Confirmatio uni tantum*

¹ *Pontificalis Romani Expositio*, I, p. 35.

² Canon 337.

conferenda", but not in the first formula "De Confirmandis" which provides for the anointing to be performed by the bishop, if he so desires, not at the faldstool but at the altar rail, as at the distribution of Holy Communion. The omission seems to have no significance and some commentators suppose that the crozier will be used whatever method is favoured;¹ others think that the bishop may please himself.² In any case the doubt has no direct relevance to the correct procedure on the part of an auxiliary bishop: the crozier is lawfully used during the rite, and may be used during the anointing; it should be held with the crook turned towards the people.³

(b) The response "Amen" is made by the assistant clergy; whenever an exception occurs the rubric indicates it, as at the Ordination of a Priest where the ordinand himself replies "Amen" when his hands are anointed.

CONFESSOR RECTIFYING MARRIAGE "IN PERICULO MORTIS"

Within the limits set by canon 1044 a confessor may dispense the form of marriage as well as most of the ecclesiastical impediments when the penitent is in danger of death. What is the procedure to be followed, and what happens if the danger passes, in the case of a person publicly considered unmarried, or barred by a public diriment impediment? (E. R.)

REPLY

Canon 1044: In eisdem rerum adiunctis de quibus in can. 1043 (Urgente mortis periculo, locorum Ordinarii etc.) et solum pro casibus in quibus ne loci quidem Ordinarius adiri possit, eadem dispensandi facultate pollet tum parochus, tum sacerdos qui matrimonio, ad normam can. 1908, n. 2, assistit (Si haberi vel adiri nequeat sine gravi incommodo parochus), tum con-

¹ Moretti, *Caeremoniale*, IV, §2253.

² Ahearne and Lane, *Pontifical Ceremonies*, p. 316, n. 13.

³ *S.R.C.*, 26 November, 1919, n. 4355, III, 3.

fessarius, sed hic pro foro interno in actu sacramentalis confessionis tantum.

i. A confessor discovers in the course of a confession that a penitent in danger of death needs, for the relief of conscience, to be married; that the party is free to marry except for the obstacle of a diriment or prohibiting impediment of ecclesiastical law; and that time does not permit the marriage to take place with the usual canonical form and procedure. He should dispense the impediment verbally by any appropriate words such as: "With the authority conceded to me by the law of the Church over persons in danger of death I dispense you from the impediment N. N., enabling you to marry N. N. (or enabling you, on renewing consent, to revalidate your union with N. N.). In the name of the Father, etc."¹ If the impediment is occult and the parties have already observed the form, renewal of consent is effected privately as directed in canon 1135; if it is public, the confessor using a similar verbal formula will dispense from the ecclesiastical law requiring consent to be renewed with the canonical form. Similarly, if the parties, e.g. living in concubinage, have not yet exchanged any marriage consent, the confessor will dispense from the canonical form and instruct the penitent to exchange a true marriage consent with the other party when the opportunity offers. The marriage is not registered and the priest does not inform the Ordinary. This law and procedure illustrates in a rather sweeping way the age-long doctrine of the Church *matrimonium facit consensus*, and puts the clock back, as it were, to times before the Tridentine decree *Tametsi*.

ii. Unfortunately, and from the nature of the case, a marriage of this kind creates a conflict between the internal forum of conscience and the external forum of ecclesiastical law and government; so alarming is this conflict that many commentators restrict a confessor's powers in canon 1044 to impediments which are occult in nature and in fact, e.g. crime.² Others, more correctly in our opinion, extend his powers to all impediments of ecclesiastical law whether occult or not,³ a view which

¹ Heylen, *De Matrimonio*, p. 672.

² Wernz-Vidal-Aguirre, *De Matrimonio*, §428.

³ Prümmer, *Theologia Moralís*, III, §859.

is more consonant with the terms, purpose and 'spirit of canon 1044, as well as with the essentials of marriage consent and the natural right to marry.¹

The conflict, however, can often be avoided. For the confessor of canon 1044 automatically becomes the priest mentioned in canon 1098, whenever the parish priest cannot be obtained, or very likely the confessor may himself be the parish priest or one delegated for marriages. He should then rectify the situation by dispensing the impediment, and if necessary the form of marriage, with effect in the external forum, or at least in the internal non-sacramental forum of canon 1047: it will be registered, the Ordinary will be informed and the marriage will enjoy the status of any other; for this procedure the priest as confessor must persuade the penitent to open the matter to him outside the tribunal of Penance.

If this is not possible, either because the penitent is unwilling or because the other party is absent or for any other reason, the confessor dispensing a public impediment in danger of death must instruct the penitent to regulate the marriage before a parish priest immediately the danger of death ceases; that his own rectification in confession has no value whatever for the external forum; and that the penitent will be regarded as living in concubinage, liable to be refused the sacraments, for example, until the marriage is ratified in the public law of the Church.

iii. The preliminaries of marriage, which in normal contracts since *Sacrosanctum* are considerable, obviously cannot be complied with in danger of death. In place of baptismal certificates, certificate of freedom, *nihil obstat* and what not, the priest will have to accept an oath, provided for in canon 1019, §2; and he will question and instruct the party, as far as time and opportunity permit, about marriage consent.

VOTIVE CANDLES

Was there not in recent years some Roman pronouncement deprecating the use of votive candles in churches? (W.)

¹ For the details of this dispute cf. Cappello, *De Matrimonio*, §238; *Apollinaris*, 1928, p. 81; *Jus Pontificium*, 1929, p. 62; *Ephemerides Iuris Canonici*, 1946, p. 116. Canon 1031, §2.2, allows for a public impediment being dispensed in the forum of conscience.

REPLY

Cardinal Marchetti-Selvaggiani gave the following direction for the diocese of Rome, of which he was the Vicar General, a document printed in *l'Osservatore Romano*, 19 March, 1932, and *Documentation Catholique*, 1932, Vol. 28, p. 430: "A cause of much serious inconvenience is the custom prevailing in many churches of putting at the disposition of the faithful wax votive candles which, after an offering is made, are lighted before statues and sacred images (many of which, it may be said, as a result of the Canonical Visitation, are to be removed), and placed upon candelabras or frames of assorted and startling design. This custom may easily become or appear to be superstitious; it gives the impression of being encouraged for the sake of financial gain; it is adverse to the cleanliness and propriety of sacred places when so many candles, burning at the same time and often not manufactured from wax, soil the floors, blacken the walls and pollute the air. This custom, therefore, should cease."

There is no common law or prohibition against votive candles, though it is within the power of Ordinaries to make restrictive laws. The above has reference only to Rome, and we learn from friends that willingness to obey the Cardinal's wish (it can scarcely be called an explicit law) is not very noticeable.

E. J. M.

ROMAN DOCUMENTS

THE EXTENDED JUBILEE 1951

I. CONSTITUTIO APOSTOLICA

UNIVERSALE IUBILAEUM, ANNO DOMINI MILLESIMO NONGENTESIMO
QUINQUAGESIMO ROMAE CELEBRATUM, AD CATHOLICUM ORBEM
EXTENDITUR (*A.A.S.*, 1950, XLII, p. 853).

PIUS EPISCOPUS

SERVUS SERVORUM DEI

UNIVERSIS CHRISTIFIDELIBUS PRAESENTES LITTERAS INSPECTURIS
SALUTEM ET APOSTOLICAM BENEDICTIONEM

Per Annum Sacrum, quem hac in alma Urbe usitato sollem-
nique ritu heri conclusimus, innumerae multitudines Romam petie-
runt ut elutis expiatisque animis suorum admissorum veniam a
Deo impetrarent, plenamque sibi, vel vita functis lucrarentur indul-
gentiam. Id Nos summo solacio affecit, quandoquidem fore confidi-
mus ut ex inflammato eiusmodi pietatis studio, quo confluentes
peregrinantium turmae cum Romano populo quasi pie decertare
visae sunt, christiana illa exoriatur renovatio morum, quae Nobis
bonisque omnibus in votis est, et quam tantopere haec Nostra tem-
pora postulant.

Non omnes tamen potuere Romanum iter suscipere; idque non
modo ob oeconomicarum rerum discrimen, quod tenuiorem prae-
sertim plebem angit, non modo ob senium, ob infirmitates, ob mor-
bos aliasque causas, quibus praepedirentur, sed ex eo etiam quod in
non paucis Nationibus ob peculiaria rerum adiuncta haec facultas
non daretur.

Quamobrem valde opportunum ducimus ex more institutoque
Decessorum Nostrorum decernere, ut qui Romae ad hesternum
usque diem patuit iubilare veniae thesaurus, idem per proximum
integrum annum christifidelium universitati ubique gentium pateat.
Ita enim sperandum est ut quod spiritualis vitae quasi ver novum,
summa cum animi Nostri delectatione, per elapsos menses florescere
vidimus, nedum exarescat, uberiores usque fructus edat salutare;
utque mirandum illud christianae fidei pietatisque spectaculum,
quod in sacra hac Urbe admirationem omnium commovit, in cunctis
urbibus, oppidis, pagis feliciter iteretur.

Ad quod quidem facilius aptiusque efficiendum curent Venerabiles Fratres Episcopi ceterique locorum Ordinarii, ut greges suis crediti curis opportune hac de re edoceantur, et ad tantum fruendum beneficium impense excitentur. Peculiari autem modo optamus ut id fiat praesertim per conciones ad populum habitas, quae Sacrae Missiones vocantur, vel per Spiritualia Exercitia; quandoquidem experiundo est cognitum hoc divini verbi praedicationis genus multum multumque valere non modo ad errores refellendos et ad christianam doctrinam recte explanandam, sed ad id etiam assequendum, divina aspirante gratia, ut audientium animi ex terrenis rebus ad caelestia revocati tam salutariter commoveantur, ut suas labeles eluant atque expient, et ad arduum ingrediendum virtutis iter sincera ac generosa voluntate exstimulentur. Nobis igitur in optatis est ut in singulis paroeciis, si possit, per proximum annum huius generis conciones opportune habeantur; talique ratione christifideles ad suorum impetrandam commissorum veniam plenamque lucrandam debitaram indulgentiam poenarum rite sancteque praeparentur.

Eos praeterea moneant sacrorum Antistites ut ad eandem mentem Nostram supplices Deo preces admoveant, quam per Apostolicas Litteras *Iubilaeum Maximum* indicavimus, cum Annum Sacrum hac in alma Urbe celebrandum indiximus; peculiarique modo ut redeat tandem aliquando optatissima pax in omnium animos, in domesticos convictus, in singulas Nationes, in universamque populorum communitatem; ut habeant "qui persecutionem patiuntur propter iustitiam"¹ invictam illam fortitudinem, quae Ecclesiam inde ab originibus martyrum cruore decoravit; ut qui profugi, qui captivi, qui extorres longe a propriis laribus abstrahuntur, ad dulcissimam possint quantocius patriam remeare suam; ut denique civium ordines, pacatis odiis sedatisque discordiis, iustitia fraternaue concordia ac caritate invicem coniungantur; utque sanctissima Ecclesiae iura adversus hostium insidias, fallacias insectationesque incolumbia semper inviolataque servantur.²

Itaque auctoritate Omnipotentis Dei, beatorum Apostolorum Petri et Pauli ac Nostra, Iubilaeum Maximum, quod in hac sacra Urbe celebratum est, ad universum catholicum orbem per Apostolicas has Litteras extendimus, ad Occidentalem nempe et ad Orientalem Ecclesiam, atque in integrum futurum annum prorogamus; ita scilicet ut lucriferi possit a primis vespers proximi diei festi Circumcisionis Domini Nostri Iesu Christi ad plenum diem tricesimum primum mensis Decembris futuri anni MDCCCLLI.

¹ Matth. v, 10.

² Cf. *Acta Apostolicae Sedis*, 1949, Vol. XXXXI, pp. 259-60.

Quamobrem omnibus utriusque sexus christifidelibus, extra Urbem eiusque suburbium commorantibus, etiamsi per elapsum Annum Sacrum Iubilaei veniam adepti iam sint, apostolica auctoritate Nostra plenissimam totius poenae, quam pro peccatis luere debeant, indulgentiam—ubique terrarum extra Urbem eiusque suburbium lucranda—concedimus atque impertimus, obtenta prius ab iisdem admissorum cuiusque suorum remissione ac venia, dummodo rite per Paenitentiae Sacramentum expiati et Sacra Synaxi refecti—quam ad rem Confessio annua et Paschalis Communio minime iisdem suffragabuntur—ecclesias vel publica oratoria, hac de causa designanda, statuto tempore pie inviserint.

Haec autem omnia perfici debent ad has, quae sequuntur, normas, quas quidem Sacrae Paenitentiariae Apostolicae "Instructio" opportune declarat atque authentice interpretatur:

I. Locorum Ordinarii, sive per se ipsi, sive per probatos viros ecclesiasticos—quibus etiam, si libuerit, hanc potestatem per integrum anni spatium utendam permiserint—ad iubilares quo attinet visitationes agendas, in *episcopali urbe* cathedralem aedem ac tres alias ecclesias vel publica oratoria designabunt, in quibus, interdum saltem, eucharisticum sacrificium celebrari soleat; in *suburbio* vero et in *reliquis dioecesis partibus* paroecialem cuiusvis paroeciae ecclesiam designabunt, atque, intra eiusdem paroeciae fines, tres alias ecclesias vel oratoria, ut supra diximus. Id ipsum in Orientali Ecclesia Patriarchae alique locorum Ordinarii per se ipsi faciant vel per ecclesiasticos delegatos viros; unusquisque autem pro sua cuiusque eparchia vel dioecesi.

At in regionibus a Missionalibus excultis, locorum Ordinarii, nullo habito discrimine inter Ordinarii sedem ac ceteras territorii partes, quattuor ecclesias vel publica oratoria, ut supra diximus, in qualibet quasi-paroecia vel missionali statione designent.

II. Quemadmodum per elapsi piacularis anni decursum Romae factum est, ita per proximi anni spatium una sacra visitatio habenda est in unaquoque vel unoquoque e quattuor ecclesiis vel publicis oratoriis designatis; idque sive eodem die, sive subsequentibus per annum diebus. Quodsi quattuor alicubi ecclesiae vel oratoria publica desint, Ordinarii, pro suo prudenti arbitrio, aut per se ipsi, aut per suos delegatos, decernere poterunt, ut praescriptas quattuor visitationes in minore aedium sacrarum numero peragi liceat.

Praeterea, ubi prudenti locorum Ordinarii iudicio possibile est sine gravi incommodo, unam e quattuor praescriptis visitationibus fieri valde opportunum est ad cathedralem aedem, vel ad aliquod Sanctuarium ad hoc designatum.

III. Preces, in unaquaque visitatione recitandae, hae sunt : quinque "Pater, Ave, Gloria"; semel praeterea "Pater, Ave, Gloria" ad mentem Nostram; ac semel formula "Credo"; insuper ter "Ave Maria" cum invocatione "Regina pacis, ora pro nobis" ac semel "Salve Regina". Ad haec adici potest precatio, quam Nosmet ipsi composuimus pro Anno Sancto MDCCCCL.

Ad Orientalem Ecclesiam quod attinet, christifideles, cum iubilares visitationes perficient, iis normis obtemperare debent, quas, pro diversis ritibus, eorum Patriarchis locorumve Ordinariis Sacra Nostra Congregatio, Orientali Ecclesiae praeposita, opportuno tempore impertietur. Praeterea singulis locorum Ordinariis fit facultas, praescriptas in sacra visitatione preces in alias preces commutandi, cum iubilare haec visitatio privatim agitur. Itemque Orientalis Ecclesiae fideles, qui extra territorii sui fines commorantur, cum latini ritus peregrinis se adiungunt, supplicationis formulas Latinis praescriptas adhibere poterunt; singillatim autem, sive proprii, sive latini ritus formulas iisdem recitare licet.

IV. Ut iubilares visitationes christifideles facilius instituere atque exsequi possint, eis facultas datur easdem peragendi visitationes etiam extra paroeciae vel dioecesis cuiusque suae fines; in templis tamen pro unoquoque loco ab Ordinario legitime designatis. Quod quidem, singula singulis referendo, populis quoque Missionalibus demandatis conceditur.

V. Decernimus praeterea ut, quemadmodum Romae per elapsum piacularum annum actum est, christifideles iubilarem hanc indulgentiam cum sibi, tum vita functis, toties lucrari possint, quoties imperata opera rite perficiant; ita tamen ut nulla pro alio iubilaeo acquirendo opera fieri queant, antequam inchoata opera pro praecedenti omnino absoluta fuerint.

VI. Ut autem christifidelibus consulamus, qui in peculiari rerum locorumque condicione versentur, haec statuimus, quae sequuntur.

1. Nautae iique omnes qui navibus inserviunt, si navigium, in quo iter faciunt, sacellum habeat, ubi fas sit sacris operari, ibi poterunt iubilares perficere visitationes. Sin aliter, iisdem concedimus ut, cum ad certam stationem se receperint, ibi, in quovis nempe templo, iubilares visitationes, praescriptas preces recitando, instituere possint.

2. Locorum Ordinarii poterunt, aut per se ipsi, aut pre ecclesiasticos delegatos viros, si qui impediuntur ne visitationes, eo modo quo imperantur, obeant, vel harum numerum contrahere; vel ecclesias invisendas ad minorem item numerum reducere; vel denique

sacras visitationes in alia pietatis caritatisve opera commutare, ad singulorum condicionem accommodata.—Impeditos autem heic intellegi volumus moniales, tertiarias regulares, religiosas sorores, in communitate viventes, pias feminas et puellas aliasve personas in gynaeceis seu *Conservatoriiis* degentes; item anachoretas monasticum regularemve Ordinem profitentes et potius contemplationi quam vitae actioni deditos, ut Cistercienses Reformatos de Trappa, Eremitas Camaldulenses et Carthusianos; eos praeterea, qui aut captivi sunt, aut in carceribus custodiuntur; et ecclesiasticos vel religiosos viros, qui in coenobiis aliisve domibus, emendationis causa, detinentur. Impediti ii quoque censeantur, qui aut domi aut in nosocomiis sive morbo sive imbecilla valetudine laborant, et quotquot aegrotis adsunt; ac generatim ii omnes, qui certo impedimento prohibentur quominus statutas visitationes obeant; aequo autem iure esse volumus operarios, qui cotidiano sibi victum labore comparantes, nequeunt se ab eo per tot horas abstinere; ac senes denique, qui septuagesimum aetatis annum excesserint.

VII. Ad facultates quod pertinet, confessariis, ceteroquin ad iuris normam adprobatis, tribuendas, quibus in excipienda Iubilaei confessione salutariter utantur, haec, quae sequuntur, decernimus:

1. Confessariis illae integrae sunt facultates absolvendi, dispensandi, commutandi, quascumque ab Apostolica hac Sede vel in perpetuum vel ad tempus legitime impetraverint; id tamen intra concessionis terminos.

2. Monialibus iisque aliis feminis, quarum ad confessiones excipiendas, ex Codicis praescripto, specialis adprobatio Ordinarii requiritur, fas esto quemvis confessarium sibi eligere, ab eodem loci Ordinario pro utroque sexu adprobatum, apud quem Iubilaei confessio peragi queat; cui quidem electo confessario concedimus ut, in excipiendis dumtaxat Iubilaei confessionibus, omnes exercere possit facultates, quas ipse, vi Apostolicae huius Constitutionis, pro omnibus christifidelibus iam habeat.

3. Confessariis omnibus concedimus, ut per Annum Sanctum possint, pro foro conscientiae in actu sacramentalis Confessionis et per se ipsi tantum, absolvere quoslibet paenitentes non solum a quibusvis censuris et peccatis Romano Pontifici aut Ordinario a iure reservatis, sed etiam a censura ab homine lata. Huius tamen censurae absolutio in foro externo non suffragabitur.

VIII. At hisce amplissimis facultatibus ne utantur nisi normis exceptionibusque servatis, quae sequuntur:

1. Ne absolvant, nisi in adiunctis atque ad praescriptum can. 2254 Codicis iuris canonici, eos, qui irretiti sint aliqua censura vel

Romano Pontifici personaliter vel specialissimo modo Apostolicae Sedi reservata. Ne absolvant pariter illos, qui in censuram inciderint, de qua in can. 2388, §1, Sanctae Sedi reservatam ad normam Decreti *Lex sacri coelibatus* per Sacram Paenitentiarium Apostolicam editi d. xviii mensis Aprilis, a. MDCCCXXXVI,¹ itemque ad normam Declarationis ab eadem Sacra Paenitentiarium datae d. iv mensis Maii, a. MDCCCXXXVII;² vi cuius Decreti et Declarationis haec censura in casu speciali, de quo agitur, ita Sacrae Paenitentiarium reservatur, ut nemo umquam, excepto periculo mortis, ab ea absolvere possit, ne vi quidem can. 2254.

2. Similiter ne absolvant, nisi ad praescriptum can. 2254, praelatos cleri saecularis ordinaria iurisdictione in foro externo praeditos, superioresque maiores Religionis exemptae, qui in excommunicationem speciali modo Sanctae Sedi reservatam publice inciderint.

3. Haereticos vel schismaticos, qui fuerint publice dogmatizantes, ne absolvant, nisi ii, abiuratis saltem coram ipso confessario haeresi vel schismate, scandalum, ut par est, iam reparaverint, aut promiserint sese, ut par est, efficaciter reparaturos. Ne absolvant praeterea eos, qui in rerum adiunctis versantur, de quibus agitur in Decreto Supremae Sacrae Congregationis S. Officii, d. i mensis Iulii, a. MDCCCXXXIX edito, de Communismo,³ nisi sincere et efficaciter resipuerint.

4. Pariter ne absolvant eos, qui sectis vetitis, massonicis aliisque id genus nomen dederint, etiamsi occulti sint, nisi, abiurata saltem coram ipso confessario secta, scandalum reparaverint et a quavis activa cooperatione vel favore suae cuiusque sectae praestando cessaverint; nisi ecclesiasticos et religiosos, quos sectae adscriptos noverint, ad can. 2336, §2, denunciaverint; nisi libros, manu scripta et signa, quae eandem sectam respiciant, quotiescumque adhuc retinent, absolventi tradiderint, ad S. Officium quamprimum caute transmittenda, aut saltem—idque iustis gravibusque de causis—per se ipsi destruxerint; sin minus, ipsimet sincero animo sponderint se memoratas condiciones esse, quamprimum potuerint, adimplendos; impositis, praeterea, pro modo culparum, gravi paenitentia saluari et frequenti sacramentali Confessione.

5. Qui bona vel iura ecclesiastica sine venia acquisiverint, ne absolvantur nisi aut iis restitutis, aut compositione quam primum ab Ordinario vel ab Apostolica Sede postulata, aut saltem promissione

¹ Cf. *Acta Apostolicae Sedis*, Vol. XXVIII, p. 242.

² Cf. *Acta Apostolicae Sedis*, Vol. XXIX, p. 283.

³ Cf. *Acta Apostolicae Sedis*, Vol. XLI, p. 334.

sincere facta eandem compositionem postulandi; nisi de locis agatur, in quibus a Sede Apostolica aliter iam provisum fuerit.

6. Possint iidem confessarii omnia et singula vota *privata* etiam Sedi Apostolicae reservata, iurata quoque, commutare in alia pia opera, ex iusta causa. Votum autem castitatis perfectae et perpetuae, quamvis ab origine publice emissum sit in professione religiosa tam simplici quam sollemni, subinde tamen, aliis huius professionis votis dispensatis, firmum atque integrum manserit, similiter possint, gravi de causa, in alia pia opera commutare. Nullatenus tamen ab eodem illos dispensent, qui vi Ordinis sacri ad legem caelibatus tenentur, etiamsi ad statum laicalem redacti sint. A commutandis vero votis cum praecudicio tertii, se abstineant, nisi is, cuius interest, libenter expresseque consenserit. Votum denique non peccandi, aliave paenalia vota ne commutent, nisi in opus, quod, non minus quam votum ipsum, a peccato refrenet atque arceat.

7. Dispensare possint, in foro conscientiae et sacramentali tantum, a quavis irregularitate ex delicto prorsus occulto. Itemque dispensare possint ab irregularitate, de qua in can. 985, 4°; sed ad hoc unice, ut paenitens Ordines iam susceptos sine infamiae vel scandali periculo exercere queat, imposito paenitenti onere, sub poena reincidentiae, recurrendi intra mensem ad Sacram Paenitentiarum, et standi eius mandatis.

8. Dispensare item possint, pro foro conscientiae et sacramentali tantum, ab occulto impedimento consanguinitatis in tertio vel secundo gradu (sexto vel quarto iuxta computationem Orientalium) collateralis, etiam attingente primum (quartum vel tertium Orientalium), quod ex generatione illicita proveniat, solummodo ad matrimonium convalidandum, non ad contrahendum.

9. Sive autem de matrimonio contracto agatur sive de contrahendo, dispensare possint ab occulto criminis impedimento, neutro tamen machinante; iniuncta, in primo casu, privata renovatione consensus, secundum can. 1135; imposita, in utroque, salutari, gravi diuturnaque paenitentia.

10. Ad visitationes quod attinet quattuor ecclesiarum, confessarii, pro singulis qui, iusta de causa, eas praescripta ratione perficere nequeant, facultatem habent cum concedendi dispensationem a visitatione alicuius ecclesiae, eam commutando—si fieri potest—in visitationem alius ecclesiae, tum etiam visitationum numerum contrahendi. Cum singulis autem, qui, morbo aliove legitimo impedimento detenti, memoratas ecclesias invisere nequeant, praescriptas visitationes in alia pia opera, quae ab ipsis impleri possint, commutent. Confessarii tamen sciant, se conscientiam suam

oneraturos, si inconsulto et sine iusta causa christifideles ex eiusmodi visitationibus exemerint. Quos vero recte a visitationibus dispenserint, iis ne indulgeant, ut preces ad mentem Nostram fundendas, quae a visitatione separari quidem possunt, praetermittant; in aegrotantium tantum commodum liceat eas etiam imminuere.

11. Ab obligatione praescriptae confessionis, quam ad adimplendam nec invalida nec annua ex praecepto confessio sufficit, ullum ne exsolvant, ne cum quidem qui materiam necessariam non habeat.

12. Ad S. Communionem quod attinet, nefas esto eiusmodi praescriptum in alia pia opera commutare, nisi de aegrotis agatur qui ab ea suscipienda prorsus impediuntur. Volumus autem, Iubilaei causa, eam sufficere, quae per modum viatici ministratur; minime vero eam, quae in Paschate peragenda praecipitur. Qui tamen paschale praeceptum misere neglexerit, possit is deinde una Communionem utrique obligationi satisfacere.

13. Confessarii sciant posse se descriptis facultatibus uti cum omnibus fidelibus Ecclesiae tam Occidentalis quam Orientalis, qui ad confitendum apud ipsos accedant ea mente et voluntate, sincera quidem et firma, ut Iubilaei veniam lucrentur.

Facultatibus tamen absolvendi a peccatis et ab ecclesiasticis censuris itemque dispensandi ab irregularitate cum eodem paenitente uti nequeant nisi semel tantum, cum ipse Iubilaei veniam primum lucretur.

Alias vero facultates—eam etiam visitationes contrahendi aut commutandi ad datam normam sub n. 10—in favorem etiam eiusdem paenitentis semper exercere poterunt.

Ceterum, si qui post inchoata, huius Iubilaei adipiscendi animo, praescripta opera, praefinitum visitationum numerum morbo impediti complere nequiverint, Nos piaae promptaeque illorum voluntati benigne favere cupientes, eosdem rite confessos ac sacra Communionem refectos, memoratae indulgentiae participes fieri volumus, non secus ac si omnia imperata opera explevisent.

Itaque haec omnia, quae per Apostolicas has Litteras constituimus ac declaravimus, volumus firma ac valida existere et fore, ad effectum Iubilaei ad universum catholicum orbem proferendi, non obstantibus contrariis quibuslibet. Earum autem Litterarum exemplis atque excerptis, manu tamen alicuius notarii publici subscriptis et sigillo munitis viri in ecclesiastica dignitate constituti, eandem iubemus adhiberi fidem, quae hisce adhiberetur Litteris, si forent exhibitae vel ostensae.

Nulli igitur liceat paginam hanc Nostrae concessionis, voluntatis

et declarationis infringere, vel ei, ausu temerario, contra ire. Quod si quis attentare praesumpserit, indignationem omnipotentis Dei ac beatorum Apostolorum Petri et Pauli se noverit incursurum.

Datum Romae apud Sanctum Petrum, die vicesima quinta mensis Decembris, in festo Nativitatis Domini Nostri Iesu Christi, anno millesimo nongentesimo quinquagesimo, Pontificatus Nostri duodecimo.

PIUS PP. XII

II. SACRA PAENITENTIARIA APOSTOLICA

INSTRUCTIO

AD OMNES PATRIARCHAS, ARCHIEPISCOPOS, EPISCOPOS ET ALIOS LOCORUM ORDINARIOS, DE IUBILARI ANNO, QUI AD UNIVERSUM CATHOLICUM ORBEM EXTENDITUR (*A.A.S.*, 1950, XLII, p. 900).

Quandoquidem universale Iubilaeum, hac in alma Urbe celebratum, edita nuperrime Constitutione Apostolica "Per Annum Sacrum", ad catholicum orbem extenditur, summopere interest ut quae in eadem decernuntur, accurate, prudenter diligenterque ad effectum deducantur.

Id ut tutius ac facilius effici possit, SS. D. N. Pius Divina Providentia Papa XII iussit ut generales illas normas, quae in eadem Apostolica Constitutione continentur, haec Sacra Paenitentiaria Apostolica enucleate opportuneque declararet atque authentice interpretaretur.

Quamobrem haec "Instructio" ad catholicos omnes Patriarchas, Archiepiscopos, Episcopos aliosque Locorum Ordinarios eo quidem consilio mittitur, ut non modo iidem ea omnia, quae heic edicuntur, studiose perpendant, sed ut etiam sollerter seduloque curent ut clerus populusque unicuique concreditus, ac praesertim confessarii, editis normis earumque interpretationibus diligentissime obtemperent.

Hae autem sunt, quae sequuntur, peculiares normae atque authenticae interpretationes ab omnibus adamussim servandae:

I. Christifideles, qui iubilarem indulgentiam lucrari volunt, nescant imprimis necesse esse ut quatuor illis condicionibus obtemperent, quae, ad normam Apostolicae Constitutionis "Per Annum Sacrum" imponuntur: oportet nempe Confessionem sacramentalem instituant, ad Sacram Synaxim accedant, atque imperatas

visitationes peragant, in quibus quidem praescriptas preces recitare debent.

II. Confessio autem et Communio ad lucranda piacularis anni veniam imperatae nihil refert utrum visitationibus quatuor Ecclesiarum antecedant, an interponantur vel succedant; unum refert et necesse est, ut postremum ex praescriptis opus, quod etiam Communio esse potest, in statu gratiae, ad can. 925 §1, compleatur. Si quis igitur post confessionem peractam, ultimo nondum completo opere, in letale rursus inciderit, iteret confessionem oportet, si sacram Synaxim debet adhuc suscipere; secus, satis erit, ut, actu contritionis perfectae elcito, cum Deo reconcilietur.

III. Si quis interdum, animo sacras visitationes rite peragendi ad ecclesiae fores pervenerit, aditu ad eam iam clauso vel quavis de causa impedito, tum satis erit ad easdem fores Deum exorare, praescriptas preces recitando. At visitatio pia ac devota sit oportet, idest facta animo Deum colendi; quem quidem animum ipsa exterior reverentia aliquo modo patefaciat.

IV. Vocales preces, quae praescribuntur, alternis etiam vocibus recitari possunt. Mutis vero can. 936 consulitur.

V. Ad confessarios quod attinet, noscant imprimis in comperitoque habeant se extraordinariis hisce facultatibus uti posse dumtaxat erga paenitentes qui ad confitendum accedant *ea mente et sincera voluntate* ut Iubilaei veniam consequantur; attamen si paenitens, mutato proposito, ab acquirenda indulgentia Iubilaei destiterit atque cetera opera imperata intermiserit, omnes absolutiones censurarum, si eas excipias quae ad reincidentiam datae sint, itemque commutationes et dispensationes concessae in suo robore permaneant.

Confessarii his facultatibus uti possunt etiam in foro interno extrasacramentali, dummodo de peculiaribus facultatibus ne agatur pro quibus sacramentalis confessio expresse requiratur.

Parochi tamen peculiarem facultatem habeant iubilares visitationes dispensandi, contrahendi ac commutandi ad normam Constitutionis "Per Annum Sacrum", sub n. VIII, 10, non modo cum de paenitentibus agitur, sed etiam cum de singulis fidelibus singulisque familiis paroeciae suae.

VI. Quandoquidem facultas absolvendi a peccatis et ab ecclesiasticis censuris, itemque dispensandi ab irregularitate hisce finibus continetur atque circumscribitur, ita ut per piacularis anni celebrationem semel tantummodo cum eodem paenitente exerceri queat, cum scilicet ipsemet iubilarem veniam primum lucretur (cfr. Const. "Per Annum Sacrum" sub n. VIII, 13); itemque tum solummodo, cum paenitens iam ab alio confessario facultatem habente per anni

sancti decursum ab his peccatis atque censuris absolutus non fuerit, vel ab irregularitate dispensatus, summopere necesse est confessarios, ut munere suo rite fungantur, a quolibet paenitente hisce peccatis, censuris vel irregularitate irretito exquirere :

1° utrum iam iubilarem veniam anno MDCCCCLI lucrifecerit necne ;

2° quodsi eam non lucrifecerit, num, anno sancto MDCCCCLI vertente, a peccatis vel a censuris reservatis absolutus fuerit ; vel ab irregularitate dispensatus. Etenim si ipse a die 1 mensis Ianuarii a. MDCCCCLI vel iam iubilarem veniam lucratus fuerit, vel iam fuerit a peccatis aut a censuris absolutus, vel denique ab irregularitate dispensatus, absolutionem et dispensationem eiusmodi iterum obtinere non potest.

VII. Confessarii praediscant ac memoria teneant indicem peccatorum, censurarum, poenarum impedimentorumque omnium, quorum absolutio vel dispensatio in facultatibus sibi concessis non comprehenditur ; si qua autem eiusmodi occurrerint, meminisse eos oportet, non aliter posse se paenitenti providere, quam iis religiose servatis quae Codex praescribit can. 2254, 2290, 1045 §3.

VIII. Non praetermittant suam cuique paenitenti salutarem paenitentiam sacramentalem imponere, etiamsi sibi conicere iure liceat paenitentem plenissimam Iubilaei veniam esse consecuturum.

IX. Si quis in occultas censuras ob partem quoquo modo laesam inciderit, eum ne ante absolvant, quam parti laesae, etiam scandalum reparando damnumque sarciendo, satisfecerit : aut saltem, si eiusmodi satisfactionem praestare ante non possit, vere graviterque promiserit se, cum primum licuerit, satisfacturum.

X. Confessarii, qui a censuris etiam publicis absolvere possunt, hoc exploratum habeant :

Qui aliqua censura fuerint nominatim affecti vel uti tales publice renuntiati, non posse eos tamdiu Iubilaei beneficio frui quamdiu in foro externo non satisfecerint prout de iure. Si tamen contumaciam in foro interno sincere deposuerint et rite dispositos sese ostenderint, posse, remoto scandalo, in foro sacramentali interim absolvi ad finem dumtaxat lucrandi Iubilaum, cum onere quam primum se subiiciendi etiam in foro externo ad tramitem iuris.

XI. Ad peccatum quod attinet, per can. 894 reservatum ratione sui, confessarii absolutionem ne impertiant, nisi paenitens falsam denuntiationem formaliter retractaverit, et damna, si qua inde secuta, pro viribus reparaverit, imposita insuper gravi et diuturna paenitentia.

XII. Si de casu agatur, etiamsi occulto, de quo ad can. 2342,

prohibeant, sub poena reincidentiae, quominus paenitens in posterum ad illam religiosam domum eiusque ecclesiam accedat. Firmis quidem manentibus poenis, de quibus sub n. 2° eiusdem canonis agitur.

XIII. Religiosos, apostatas a religione, ab excommunicatione can. 2385 lata ne absolvant, quamdiu extra claustralia saepta permanserint; attamen, si ii firmum habeant propositum ad religionem suam redeundi, congruo iisdem praefinito ad id exequendum tempore, in foro interno absolvant, ea condicione ut in censuram recidant si intra praefinitum tempus ad religionem non redierint. At ii moneantur, se, quamdiu extra suae religionis domum commorentur, ab actibus legitimis ecclesiasticis excludi, privilegiis omnibus suae religionis privari, Ordinario loci commorationis subiici, atque obnoxios esse, etiam postquam redierint, aliis poenis in can. 2385 statutis. Religiosus autem fugitivus, etiamsi ex Constitutionibus suae religionis in excommunicationem inciderit, absolvi, rite dispositus, in foro interno poterit, imposita obligatione ad religionem quam primum redeundi, eadem ratione eademque sub reincidentiae poena, ac pro apostatis a religione cautum est: praeterea, si sit in sacris, ea lege, ut suspensionem observet can. 2386 statutam.

XIV. Cum de privatorum commutatione votorum agitur, id latiore quadam ratione accipiatur ita quidem ut confessarii, pro sua ipsorum prudentia, in opera etiam minoris meriti eadem vota commutare possint.

XV. A lectione librorum prohibitorum, eorum praesertim qui in can. 2318 §1 sub excommunicationis poena vetantur, ne quemquam absolvant, nisi is libros, quos penes se retinet, Ordinario aut confessario ipsi aut alii, qui facultatem eosdem retinendi habeat, ante absolutionem tradiderit: sin minus, se eos, cum primum potuerit, destructurum aut traditurum, serio promiserit.

XVI. Ad facultatem quod attinet sacras visitationes commutandi vel dispensandi, haec animadvertenda sunt:

1° Cum aliquis dispensationem obtinuerit unam vel alteram ecclesiam vel oratorium invisendi, nulla facta obligatione aliam ecclesiam vel oratorium per commutationem visitandi, noverit idem sacras visitationes quatuor semper habendas esse, quae proinde in reliquis ecclesiis vel oratoriis fieri debent; ita quidem ut christifideles vixdum ex sacra aede post actam visitationem egressi, iterum atque illico in eam ingredi queant ad alteram visitationem peragendam. Dispensatio autem alicuius ecclesiae visitandae idem non est ac sacrarum visitationum numeri imminutio.

2° Si quis vero, praeter dispensationem alicuius ecclesiae

visitandae, sacrarum etiam visitationum numeri imminutionem petat, confessarii tot preces eidem recitandas praescribant, quot visitationes dispensatae fuere; quae quidem preces haud absimiles illis esse debent quae in sacris visitationibus adhibentur.

3° Ad dispensationes et commutationes, de quibus supra, quod attinet, animadvertant confessarii se conscientiam suam esse oneratos, si easdem inconsulto et sine iusta causa christifidelibus concesserint.

XVII. Cum quatuor ecclesiarum visitatio non sit opus per se praeceptum, sed tantummodo iis impositum, qui libere velint Iubilaei veniae participes fieri, id visitationis onus, quotiescumque a confessariis privilegiatis debet rationabili ex causa totum vel ex parte paenitentibus remitti, ne commutetur in alia opera, quae ad peragenda paenitens sit alio obligationis proprie dictae titulo adstrictus.

Ssmus D. N. Pius divina Providentia Papa XII hanc "Instructionem" in lucem edi iussit, ut constans et tuta omnibus praesto sit interpretatio et facultatum, quae vigeant, et operum, quae praestanda sunt ad veniam Iubilaei consequendam, per proximum piacularum annum, ad universum orbem extensum.

Datum Romae, ex aedibus Sacrae Paenitentiariae, die xxvi mensis Decembris, anno MDCCCGL.

N. Card. CANALI, *Paenitentiarius Maior*.

ROTARY CLUBS

SUPREMA SACRA CONGREGATIO SANCTI OFFICII

DECRETUM

FERIA IV, DIE 20 DECEMBRIS 1950 (*Osservatore Romano*, 12 January, 1951).

Quaesitum est ab hac Suprema Sacra Congregatione utrum liceat catholicis nomen dare Associationi, quae vulgo nuncupatur "*Rotary Club*".

E.mi ac Rev.mi Domini Cardinales rebus fidei et morum tutandis praepositi, praehabito RR. DD. Consultorum voto, in Plenario Consessu Ferae IV, diei 20 decembris 1950, respondendum decreverunt:

"Clericis non licere nomen dare Associationi 'Rotary Club' vel eiusdem coetibus interesse; laicos vero hortandos esse ut servant praescriptum can. 684 C. I. C."

Et die 26 eiusdem mensis et anni, SS.mus D. N. PIUS divina Providentia Papa XII in audientia Exc.mo ac Rev.mo Domino Adessori S. Officii impertita, relatam Sibi E.morum Patrum resolutionem adprobavit atque publicari iussit.

Datum Romae, ex aedibus S. Officii, die 11 ianuarii 1951.

MARINUS MARANI,

Supremae Sacrae Congreg. S. Officii Notarius.

The above decree appears to have taken even our Catholic press by surprise, one paper describing it as "a bewildering document". Such a reaction is easily understandable in those whose judgement of Rotary is based simply on their own personal experience of a Rotary Club assembled for its weekly luncheon, beginning its meal with a Grace, radiating *bonhomie*, and planning good works. But to anyone conversant with the general trend of ecclesiastical policy in regard to undenominational societies, the only possible cause for surprise is the fact that a universal decree should have been deemed necessary in this particular instance. Granted that it was deemed necessary, its actual tenor is of a piece with the consistent policy of the Church over many years.

The decree does not, after all, condemn the Rotary International outright, as Masonry has been condemned: it simply declares that clerics may neither be members nor take part in its meetings, and that layfolk should be exhorted to observe the warning of canon 684, which instructs them to "beware of secret, condemned, seditious, and suspect societies". Since Rotary Clubs are, by general agreement, neither secret, condemned, nor seditious, the implication clearly is that they are, in the mind of the Holy Office, at most, suspect; and it is in this sense that the decree has, in fact, been interpreted by an unsigned but presumably authoritative article in the *Osservatore Romano* of 27 January, 1951.

As far as clerics are concerned, the decree merely makes a prohibition of what was hitherto a deprecation; for already, on 4 February, 1929, a reply of the Sacred Consistory had declared it inexpedient for Ordinaries to permit clerics to join Rotary Clubs, or to take part in their meetings. The change, therefore, is simply from *non expedire* to *non licere*; and, moreover, according to the *Osservatore* commentator, the prohibition is limited to meetings of members

only, at which the economic and professional affairs of the society are handled, and does not apply to those meetings to which strangers are admitted, and whose purpose is consonant with priestly activity.

As for the exhortation to layfolk, the attitude which it expresses is far from new. As long ago as 5 November, 1920, the Holy Office issued a letter to Ordinaries, with special reference to the Y.M.C.A., warning them that the note of suspicion attaches to all secular societies which, while they may genuinely seek to promote good works and good ethical standards among their members, do so, nevertheless, in complete independence of any religious authority and creed, and tend thereby to beguile the unwary into moral naturalism and religious indifferentism. But Rotary is certainly an association of this kind, as the Spanish Hierarchy pointed out in 1929, and the Dutch Hierarchy in 1930. It may encourage its members to practise their religion, and it certainly leaves them free to do so, but by promulgating its own code of ethics and presenting it as a guide and means to the good life, independently of any particular religious faith or practice, it fosters the all too common view that no particular religion is obligatory, and that all creeds are dispensable. The good intentions, natural virtues and humanitarian activities of Rotarians, far from diminishing the danger to faith, tend only to blind Catholics to its reality.

The *Osservatore* commentator mentions that masonic and anti-clerical elements have infiltrated into the Rotary Clubs of some countries; a fact which, where verified, provides a further ground for suspicion, and may have occasioned the present decree. But, as the same writer observes, this is not true of all Rotary Clubs everywhere; and therefore the degree in which they are open to suspicion is a question of fact which the Bishops must decide, each for his own diocese. Those who find that suspicion is warranted must exhort their lay subjects not to become Rotarians. Those who are satisfied that it is not warranted may remain silent. To avoid confusion, however, it is desirable, as the Holy Office pointed out in 1943, that the Hierarchy of each country should come to an understanding on this matter, and adopt a common policy.

L. L. McREAVY

BOOK REVIEWS

Martin Luther: His Life and Work. By Hartmann Grisar, S.J., Professor at the University of Innsbruck. Adapted from the Second German Edition by Frank J. Eble, M.A. (The Newman Press, Westminster, Maryland. \$4.75.)

FATHER GRISAR's monumental work on Luther in six volumes, of which an English version appeared in the years 1913-17, is here condensed into 600 pages. In addition to the natural desire to provide something more compact, the professor also meant to embody his conclusions on various points of subsequent research, especially the essays and studies published for the Luther Jubilee in 1917; another reason is to be found in the compendious bibliography. This stout volume, divided into no fewer than twenty chapters, each subdivided into sections with specific titles, constitutes a work of reference for all but the specialist. Very calmly and objectively every aspect of Luther's career is covered in a narrative that is much more a chronological record than a psychological explanation. The aim is accuracy, and in view of the enormous amount of discussion of the subject, many of the author's statements must be regarded as verdicts. Writing as a German for Germans, he feels no need for commentary or full discussion, and it is scarcely too much to say that the setting and background of the Reformation as a whole is taken as understood by the reader. Hence a certain flatness: "there was born to the miner, John Luther, a son who was destined to achieve distinction"; and of Philip of Hesse, the evil genius of the movement, we are told that "as a result of the frivolous and immoral life of his mother, commonly called Madame Venus, this ruler lacked a strict religious and moral training". It would hardly be surmised by a reader new to the subject that Luther was both a genius and a madman whose aberrations had profoundly affected the course of world history.

There are special points which emerge with clearness. One is that it was John Eck of Ingolstadt, not the Dominicans, who needlessly widened the issue. Tetzels, Prierias and Cardinal Cajetan all kept to the point, viz. Indulgences and Penance, but Eck fastened on to several of the theses touching the authority of the Pope. Another, that Luther from the outset began to ascribe ecclesiastical rights and functions to the secular princes. The *jus episcopale* which by his teaching he had transferred to civil rulers was then exercised also by himself when he purported to consecrate Nicholas Amsdorf

to the see of Naumberg and Prince George of Anhalt to that of Merseberg. Another interesting verdict is on the too-famous Table Talk. Father Grisar pronounces for the general authenticity of the recorded discourses. He explains that Luther's remarks were taken down at the time, often in his presence, by students who boarded with him, and that Luther himself sometimes directed their attention to particular sayings. The general fidelity of these reports is warranted by their concordance and often by their containing the same misunderstandings or mistakes.

The translation is doubtless careful and faithful, but it reads very much as translations from the German always do.

J. J. D.

The Whig Interpretation of History. By H. Butterfield. (Bell. 7s. 6d.)

THIS is a reprint of a deeply suggestive essay first published in 1931. The Professor of Modern History in the University of Cambridge introduces the little work not as treatment of a problem in the philosophy of history "but rather as an aspect of the psychology of historians", for he deals not so much with their methods as their assumptions. There are however two distinct themes here. First, Professor Butterfield analyses the standpoint of all the tribe who have applauded Luther, or the Huguenots, or the Roundheads, or Garibaldi, on the ground that those people were consciously or unconsciously the builders of our fortunes, that they were by instinct on the right side because their victories established our liberties and so on. It is essentially the Whig or Protestant view that all historic opponents can be divided into the friends and the enemies of Progress, those who fought for the present against the upholders of the past, that civil and religious freedom, toleration, and all the rest of it are the direct outcome of their efforts. There are even writers who have held that "religious liberty" can be traced back to particular persons such as Luther; they regard as his work and achievement many things which would never have happened if he had not rebelled against the Church and the Pope, very much as if Columbus was directly responsible for modern America. Even the secularization process is attributed to Luther and Calvin, although those heresiarchs would have been appalled at the idea—if they could have grasped it. The theory underlying this "Whig" interpretation, that we study the past for the sake of the present and, in particular, in the light of the present, thus facilitates a false abridgment of history and, so to speak, foreshortens the long lines of communication between (say) the sixteenth century and the twentieth. Things are abstracted from

their historical content and judged with direct reference to the present; but the method is essentially unhistorical and its use results in an optical illusion.

The second theme is entirely different, though brought under the same title of "Whig Interpretation". Here the Professor speaks of Lord Acton and moral judgements in history without, we think, sufficient admission of the change in the use of the term "Whig", for surely nothing in the first half of this book can apply to Acton. The connexion however is made by advancing the proposition that preoccupation with moral judgements is a natural result of the Whig historian's mind and that he should inevitably regard it as an important part of his office. Acton however possessed an unlimited capacity for moral indignation, claiming for History in general and actually taking for himself the power to bind and to loose. As Professor Butterfield very truly remarks, there is too much zest in the injunction: "Suffer no man and no cause to escape the undying penalty which History has the power to inflict on wrong," and he sees a thorough Whig bias, obvious though latent, in Acton's dictum about more evil being due to conscious sin than to unconscious error. His curiosity, too, is aroused by the vaguely menacing pronouncement that "the canonization of the historic past is more perilous than ignorance or denial, because it would perpetuate the reign of sin and acknowledge the sovereignty of error". What Acton says of the ordinary historic crimes we all know. But what was it, also, in the past or present, that he so badly wanted to condemn?

J. J. D.

Under God And The Law. Papers read to the Thomas More Society of London. Pp. xxviii + 171. (Basil Blackwell, Oxford. Price 10s. 6d.)

THIS, the second series of papers read to the Thomas More Society, is a worthy successor to the first volume. The papers have for their general theme the concept and constitution of the Church and are of a very high standard. Mr O'Sullivan again contributes an admirable introduction in which he deals with the traditional close connexion and harmony between English law and the Christian religion; a tradition which saw law in its proper perspective as a branch of Christian ethics; a tradition which St Thomas More upheld but which the Reformation so weakened that some four hundred years after his death the highest legal authority in the land could declare that "Christianity is no longer part of the law of England".

Father Philip Hughes has written a magnificent paper on "The

Constitution of the Church". He makes a clear and profound theological analysis of the unity of the Church, a unity which is the work of charity and which is in its turn the product of the Mass and the Eucharist. Then follows a discussion of the constitution of the Church in a legal sense, those institutions through which the lawful authority governs the unity and the juridical framework of ecclesiastical organization. The writer emphasizes the fact that the foundation of all this elaborate system is a divine command; the Constitution of the Church is a divine creation so that one is not justified in approaching the study of it in the same way as a constitutional historian or lawyer studies the constitution of the State.

There is an excellent paper by Father J. F. Rogers, S.J., on "Law and Political Power" in which the author dwells on the need for all, not merely for lawyers, to acquire some grasp of the principles and spirit underlying positive law if they are to make any intelligent study of the legal and social problems of contemporary life. Then follows a penetrating criticism of Soviet jurisprudence and of the legal theories of Iehring, Jellineck, Duguit and Kelsen, and also a clear exposition of Thomistic doctrine.

There are other notable papers by His Lordship Bishop Beck on "Church and State in the West" and by Mr A. H. Armstrong on "Church and State in the East". Father Richard Kehoe, O.P., writes on "Law and the Spirit" and his brother-Dominican, Father Hilary Carpenter, on "The Catholic Concept of the Church". Of special interest to students of St Thomas More are two papers, one by Professor Read entitled "Young More", in which he deals with the formative years of the saint's life, and one by Mr T. S. Gregory on "The Controversies of St Thomas More".

The book is well bound, well printed, offered at a reasonable price and can be thoroughly recommended.

J. B. C.

Psychanalyse et Conception Spiritualiste de l'Homme. By Joseph Nuttin. Pp. 434. (Publications Universitaires de Louvain. 140 Belgian francs. \$2.80.)

PROFESSOR NUTTIN'S book is most welcome. It is a serious work—constructive and critical. The author is convinced, and rightly, that the contribution of modern psychology to the knowledge of human nature will be made only when it is presented as a theory of normal human personality. Owing to historic factors modern psychologists have been more concerned with the abnormal than the normal, and have in consequence been inclined to discuss and judge the latter

as a deviation from the former. This wrong perspective must be corrected.

The author utilizes the results of the research which has been extensively carried out, particularly in America, and which has led even in the "schools" to a softening of original rigid orthodoxy.

The corner stones of psycho-analytic theory in the past have been the conceptions of repression and the unconscious. The author is critical of these ideas. A great deal of what is hastily classified as unconscious is, in fact, not so—and early modes of self-expression are not in every case repressed but rather outgrown, with the result that they do not continue to influence behaviour in an important degree. Positively, the author sketches his views on the normal structure of human personality. His main point is that some tension is inherent in human nature since development deliberately chosen in one direction involves the renunciation of alternative possibilities. This renunciation need not be a repression and in normal cases does not lead to mental conflict. The period of character formation extends well beyond infancy since human capacities and potentialities are only gradually unfolded and recognized. Self-development in this sense is just as important as the imposed development of infancy. So far as self-development is concerned, this is due to the presence of fundamental needs which make themselves felt at all levels of the complex human personality. Any attempt to reduce these fundamental needs to one instinctive force is misguided. Instead of a layered mind—consisting of the various levels of conscious, preconscious, unconscious and so on, the author advocates a consciousness in which there are varying degrees of personal intimacy. This conception seems particularly valuable.

The author of set purpose does not enter deeply into what may be called metaphysical psychology. The reader will feel that possibly a complementary work more metaphysical in character will give added force to the author's views. The book is easy to read and does not presuppose a previous acquaintance with all the intricacies of psychological terminology, and is furnished with an excellent bibliography and index. Altogether the work can be thoroughly recommended as maintaining the high standard we have come to expect in the publications of the University of Louvain.

Reality—A Synthesis of Thomistic Thought. By Rev. Reginald Garrigou-Lagrange, O.P. Pp. 419. (B. Herder. London. 45s.)

THIS new work by Fr Garrigou-Lagrange is in essence a repetition of his article on Thomism in the *Dictionnaire de théologie catholique*. To

the article have been added in the present volume "occasional clarifications and a hundred pages on the objective bases of Thomistic synthesis". The book is divided into eight parts under the following headings: Metaphysical Synthesis of Thomism; Theology and *de Deo Uno*; the Blessed Trinity; Angel and Man; Redemptive Incarnation; the Sacraments of the Church; Moral Theology and Spirituality; Developments and Confirmations.

The whole work is a clear expression of Thomistic teaching in matters theological and philosophical and as such is impressive. Those who are acquainted with the previous writings of the author will not find any considerable modification or change in the views of Fr Garrigou-Lagrange in regard to scholastic controversies. The book is well translated.

There are, however, one or two points which might be mentioned. While it is important that the outlines of Thomistic doctrine should be clearly and frequently expounded it is also necessary that due attention should be paid to the task of deepening our knowledge of St Thomas's thought and, if not of filling the lacunae in his thought, at least of developing elements he himself did not exhaustively elaborate. It is true, of course, as Fr Garrigou-Lagrange insists, that the main source of St Thomas's philosophical ideas is Aristotle—but in some respects at least he may be considered to have drawn on Plato. The elements from Plato have been considerably modified in the process of being incorporated into St Thomas's thought, but their incorporation has also modified the Aristotelian elements. Recognition of this fact should help considerably to a fuller understanding of St Thomas, and since a certain amount of work has already been done in this direction it is somewhat surprising that Fr Garrigou-Lagrange does not refer to it more. In regard to the development of Thomistic thought, surely the last word has not yet been said on the question of analogy, for instance. The author's views on the subject are well known, but there are some who still feel that difficulties exist—a feeling not due merely to prejudice.

Lastly, it is not really fair to speak of Scotus and Suarez (and others) as though they deliberately turned away from a St Thomas whose teaching had already been imposed on the whole church. The following passage is somewhat unjust:

"Cajetan's glory lies in his recognition of the true grandeur of St Thomas, of whom he willed to be the faithful commentator. This recognition was lacking in Suarez, who deserted the master lines of Thomistic metaphysics to follow his own personal thought. Many a theologian, on reaching the next world, will

realize that here below he failed to appreciate the grace which God bestowed on His Church when He gave her the Doctor Communis." (P. 365.)

This type of comment is not really in the best scholastic tradition. St Thomas himself always treated his fellow theologians, even when he disagreed with them, with unfailing courtesy. It is not likely that he would have considered disagreement with his own views as a sin against the light. Scotus and Suarez can hardly be blamed for having failed to subscribe in advance to the twenty-four theses, and even if one differs from them one can admire and ought to respect their integrity. Even now, when the Church has so clearly given her approval to the teaching of St Thomas and made his *Summa* a text-book, it by no means follows that every Catholic theologian who adheres to St Augustine, or St Bonaventure, or Molina in respectful disagreement from St Thomas is guilty of ingratitude for the gift of St Thomas to the church.

G. E.

St. Athanasius: The Life of Saint Antony. Newly translated and annotated by Robert T. Meyer, Ph.D. Pp. 154. (The Newman Press. \$2.50.)

THE American series of translations from the Fathers under the general title *Ancient Christian Writers*, of which this book is Volume X, has already achieved an international reputation. In every case the translation has been committed to a competent scholar who has produced a sound English version, enriched with careful annotations and introduced by a penetrating commentary on the nature and value of the particular work. This new volume maintains the high standard set by its predecessors. Dr Meyer, who is the Assistant Professor of Comparative Philology in the Catholic University of America, has put the Greek text of Bernard de Montfaucon's Benedictine edition into very attractive and readable English, and his introduction and notes are models of painstaking scholarship.

"Since the Reformation the general tendency of Protestant writers has been to discredit, of Roman Catholics to maintain, the authority of the *Vita*." This judgement of Archibald Robertson, delivered in 1892, is no longer tenable. All scholars today admit the authenticity of the *Life*. It has the distinction of being the first Christian biography and the earliest account of the institution of monasticism. As a biography it combined the ancient literary forms with the Christian ethos and set the standard for all subsequent Latin and Greek hagiography. It enjoyed immense popularity in patristic and mediaeval times. Within twenty years of being written it was

known in Gaul. St Jerome admired it in the Latin translation of Evagrius and he made it the literary model of his own lives of Paul and Hilarion. St Augustine's conversion was in part due to it. In the Middle Ages it was incorporated in the *Legenda Aurea* of Jacobus de Voragine.

Artists have found St Antony a ready subject for their brush or chisel, not so much for himself as for the demons who assailed him. Dr Meyer briefly discusses this demonology in his Introduction. While not discrediting the witness of St Athanasius, he is able to explain some of it away by the beliefs, superstitions and traditions of the times.

Like all American books, this volume has a very attractive format. But, again like all American books, its price is very stiff for our devaluated currency.

De la Salle, Saint and Spiritual Writer. By W. J. Battersby, Ph.D. Pp. xx + 207. (Longmans. 14s.)

MR. BATTERSBY'S previous book *De la Salle, Saint and Pioneer in Education*, published last year, was highly praised by all reviewers, Catholic and non-Catholic alike. This new work of his is no less admirable. Apart from a life of de la Salle in outline, the book breaks almost entirely new ground. It is the largest study of the subject that has yet appeared in France or England and includes much information hitherto unpublished.

De la Salle's life fell in one of the greatest ages of the Church in France. He was a younger contemporary of St John Eudes, and St Vincent de Paul died in the year when de la Salle first went to school. St Francis de Sales' writings were still exercising a profound influence; but still more were the Oratory and the so-called French School of spirituality, founded by Cardinal de Bérulle at the beginning of the century. The effect of the French School on the spiritual life of de la Salle was momentous; Saint Sulpice, which he entered thirteen years after M. Olier's death, was still maintaining the high pitch of fervour implanted by the founder and, in spite of the fact that owing to family circumstances he was able to remain there only eighteen months, it formed de la Salle to the spiritual life and furnished the mould in which he fashioned his own life and that of the Congregation he founded.

If the seventeenth was a great Catholic century in France, it was also a time of trial for the Church. It was the era of Jansenism, Gallicanism and Quietism. With the sure instinct of a saint de la Salle unmasked all these errors. So firm was his opposition to Jansenism

that in the Bull of Canonization in 1900 Leo XIII particularly stressed his loyalty to the Holy See. His special devotion to the Holy Child and to Our Lady was emphatically anti-Jansenistic; so too was his love of the Holy Eucharist and his encouragement of frequent Communion. (But, strangely, he did not promote devotion to the Sacred Heart.) "By Quietism," says the author, "he was little affected." To guide his disciples safely in the way of prayer he wrote a special *Method of Mental Prayer*. It has been termed a "Book of Gold", written, said the Promotor Fidei, "with consummate mystical and ascetical prudence". De la Salle's "Method" has much affinity with that of Saint Sulpice. In regard to the Saint's own life of prayer, Dr Battersby considers that "he ranks rather as an ascetic than a mystic. His spirituality was directed more towards the acquisition of practical virtues than towards pure contemplation. There was a strong strain of mysticism in him, and he was capable of sublime elevations, but he kept his feet on the ground."

A spirit of faith was the secret of de la Salle's personal life and the motive of all his writings and activities. A sentence, written to a friend in 1705, sums him up. "Providence," he wrote, "must take the first step, and I am content when it appears that I act according to its dictates."

The Brothers of the Christian Schools now claim to be the largest teaching order in the Church. The author gives us a clear insight into the technical and other difficulties which the Saint experienced in founding them; an insight, too, into the various influences, Sulpician, Benedictine, Jesuit and so on, which helped to form his ideals and guide his practical genius in this wonderful work, so fruitful of good to souls. It was indeed a blessing to France and to the Catholic world when Providence led him from an ecclesiastical career of much promise to devote himself to the education of the poor.

Dr Battersby's book is most readable; he marshals his information with skill and clarity. No one who is interested in Christian education at its best should neglect this book. There are a frontispiece and five full-page illustrations, and a good index. The Archbishop of Washington contributes a Foreword, to honour the centenary in 1948 of the establishment of the de la Salle Brothers in the United States.

The Supplication of Souls. By St Thomas More. Edited by Sister Mary Thecla, S.C. Pp. xviii + 187. (The Newman Press. \$2.50.)

THIS work, first published in 1529 and republished in the 1557 edition of More's English Works, has now at last been brought out

of oblivion. The editor has modernized the spelling and punctuation. Apart from that, her text is a faithful reproduction of the black-letter first edition. St Thomas More wrote the tract in haste to refute *The Supplication for the Beggars*, an anti-Catholic diatribe of no great merit, written by Tyndale's friend, the lawyer Simon Fish. More calls him "that despituous and despiteful person", and the whole tone of his reply reflects the vigorous polemic of the period, but softened, as one would expect, by the whimsicalities for which More was noted. The book is made up of two very distinct parts. Fish, allegedly speaking on behalf of the poor of London, had protested against the wealth of the clergy and their reception of alms for the dead; he maintained that purgatory was a fiction, and urged the confiscation of all Church property and the abolition of the priesthood. In the first part of his reply More, using the holy souls as his mouthpiece, delivers a spirited defence of the clergy. In the second part the holy souls prove the existence of purgatory and make one of the most moving appeals for prayer and remembrance ever written. This second part rises at times to a power of style which the Saint never elsewhere equalled.

Fish was reconciled to the Church before his death in 1531.

Selected Writings of St. Teresa of Avila. Compiled and arranged by Right Rev. Mgr William J. Doheny, C.S.C., J.U.D. Pp. xxxv + 443. (The Bruce Publishing Company. \$5.00.)

It is not often that a man combines authoritative knowledge of such diverse subjects as Canon Law and Spiritual Theology. Mgr Doheny, however, is highly competent in both fields. He is recognized internationally as an authority on Canon Law, particularly on matrimonial cases, and he has recently been appointed a Judge of the Sacred Roman Rota. At the same time he is esteemed for his work on the writings of St Teresa. In the present book he provides a synthesis of her writings, bringing together excerpts grouped under various subject headings such as God and the Immortal Soul, the Most Holy Trinity, the Divine Indwelling, the Sacred Humanity, the Religious Life, Prayer, Fervour and Abandonment. The selections are taken from the excellent translation of Professor Alison Peers.

The compiler's aim is to introduce St Teresa to the average reader who only too often knows nothing about her or her writings. He rejects the view that she is too highly mystical for ordinary folk; Leo XIII did not think so, nor St Jane Frances de Chantal. To facilitate the understanding of his synthesis Mgr Doheny explains in his Foreword by quotations from Poulain certain technical terms she

uses. He gives also a map of her journeyings and a lengthy chronology of the main events of her life. And he provides at the end a very useful index.

No synthesis can of course supply for the perusal of St Teresa's writings in their entirety; but it has the very great value of giving the gist of her teaching to those who cannot face the complete works and of bringing into an ordered scheme the superb thoughts which she scattered about in some disarray in the uncontrolled outpourings of her genius. This is, then, a book to be thoroughly recommended.

J. C.

The Roman Ritual in Latin and English. Vol. I. The Sacraments and Processions. Translated and edited by Rev. Philip T. Wheeler. Pp. 607. (Bruce, Milwaukee. \$8.75.)

If the report is correct that an English version of the Ritual is being prepared in this country, this American venture cannot fail to be of interest since it is first in the field, the previous volume entitled *Blessings* having appeared in 1946; it is to be completed with a third volume, and though the price is for us rather prohibitive a pioneering work of this kind will be welcomed by all who are in favour of a vernacular liturgy.

The chief point in the book's favour is its completeness, since the editor has taken care to add every modification introduced by the Holy See since the last typical Latin edition of 1925. Thus we have in n. 13 of the baptismal rite for infants a phrase permitting the omission of the saliva ceremony; at the end of the rite for communicating the sick, the official directions for communicating many sick persons are added; and the formula for use when a priest is administering Confirmation is completed by the insertion of the 1946 decree authorizing all parish priests to confirm those dying within their parishes. Owing to the unfortunate misprints in the original, which the Holy See has not yet corrected, there is some little inconsistency in Fr Wheeler's text: thus "omnis" is omitted in the penultimate phrase of the Latin text, but the English has "every man" as in every other edition of the Confirmation rite.

Of particular value are the texts of certain additional rites, which many are anxious to have, though the common law has not yet recognized any official formula: examples are a rite of Betrothal and another for the celebration of a wedding Jubilee. These are apparently authorized in America, by indult no doubt, as is certainly the case for the short form (about the length of one page) for the conditional Baptism of adult converts.

The translation, though not distinguished, is accurate in all the passages we have examined, and the work is finely produced in the best liturgical tradition.

E. J. M.

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AFTER lacking for some years in this country any recording of Mozart's *Requiem* we now have, in addition to the H.M.V. set on 78s noticed in February, this rendering by the Viennese Hofmusik-kapelle conducted by Josef Krips. There are many portions of the H.M.V. recording which are musically more perfect, e.g. *Tuba mirum*, but our preference is on the whole for the Decca version, which is also obtainable on 78s. It is, in our view, more what a church choir should sound like, because the sopranos and altos are boys, and they are so obviously enjoying themselves, even though it is a *Requiem*, in rendering this exacting music, that the listener cannot fail to share in their enjoyment. From a Catholic listener's point of view this is the best L.P. recording yet issued by Decca.

The Bach motets "Come, Jesu, come" and "The Spirit also helpeth us" are unaccompanied, though Terry mentions the existence of a small orchestral accompaniment to the second. One misses, accordingly, the Jacques orchestra which forms so perfect an *ensemble* with the Cantata singers in other recordings of Bach. Many, however, will be glad to have something of Bach in the *a cappella* style, even though it is not in the ancient polyphonic tradition. The performance and recording are very good: how good may be perceived by comparing the first motet with its rendering in German by the American *schola cantorum* on Columbia (U.S.A.) MM 904.

The two Wagner items are issued on one disc as a contrast, perhaps, between *Agape* and *Eros*, and the preference of this journal's readers is naturally for the former. As explained to Parsifal in the opera, the meadow scene in Act III, in the course of which Parsifal is baptised, represents the earth rejoicing in its redemption, and though the music is always called that of Good Friday, Holy Saturday with its *Exultet* and Font blessing would liturgically be more appropriate as a title. On some L.P. discs the violins in the higher

registers are imperfectly recorded, a defect which is being surmounted and which is, in fact, scarcely noticeable on these recordings by the London Philharmonic conducted by Clemens Krauss.

The two popular Christmas discs provide in the one case quite a useful bell and organ accompaniment for those who feel moved to sing, and in the other case some carols and songs pleasingly rendered by a choir of children—girls—at Ilford.

CORRESPONDENCE

LEGITIMACY FROM PUTATIVE MARRIAGE

(THE CLERGY REVIEW, 1950, XXXIV, pp. 45, 431; 1951, XXXV, pp. 71, 143)

Canon Mahoney writes:

It is satisfactory to know, as a result of this discussion, that Dr McReavy and myself are in agreement in so far that we are both prepared, though for different reasons, to call the offspring of these marriages legitimate. I find, however, that his method of approach creates two further difficulties which are lacking in the method I suggested. In the first place, whilst recognizing a distinction *de facto* between canonical and civil legitimacy, my understanding of the doctrine about the relations between Church and State in the regulation of Christian marriage cannot allow for a distinction *de iure*, except on a principle of tolerating an evil which cannot be avoided, and I would therefore much prefer a solution which avoids the distinction altogether. And, secondly, a priest cannot simply affirm the legitimacy of this offspring, on Dr McReavy's method, except by employing a mental reservation which, though sometimes justifiable, I much prefer to avoid. I may add, however, that should my suggested solution prove to be canonically unsound, I would then perforce join Dr McReavy in affirming legitimacy with the distinction and mental reservation implied in his view.

PUBLIC WORSHIP AND LITURGICAL WORSHIP

(THE CLERGY REVIEW, 1950, XXXIV, p. 290)

"Liturgicus" writes:

It would be a pity if Mgr Knox's request for a definition of liturgical worship were left unanswered, for the enthusiasm evident

in many quarters for its restoration among the people must lack a sure basis unless we know what it is that ought to be restored. I suggest that efforts to formulate a definition should be guided by two considerations. In the first place, not all public worship is liturgical. Consider, for instance, a huge gathering of the faithful, led by the local hierarchy under the presidency of a papal legate, taking part in popular devotions to the Holy Eucharist in a Eucharistic Congress: their act is public worship within the definition of canon 1256. Why is this act not liturgical? Secondly, one must bear in mind that many features of liturgical worship, such as the elevation of the Host at Mass, or the veneration of the Cross on Good Friday, owe their origin to popular devotion; and, very likely, the psalm singing and scripture reading, which have developed into the Divine Office, were also in primitive times no more than an expression of popular devotion. Would it not seem, therefore, that the only difference between public worship which is liturgical and that which is not liturgical lies merely in the fact that the former is more ancient than the latter?

DISCHARGE OF CATHOLIC PATIENTS FROM HOSPITAL

Father Denis G. Murphy writes:

On entering hospital a patient is required to state his religion, and many declare themselves "R.C." even though they have not practised for years. While in hospital they often prove amenable to the attention of the Catholic chaplain or nurse and in this way many Catholics are recalled to the practice of their religion. It would be a great pity if on discharge, and especially on removal to another parish, such a patient were allowed to lapse again. This might be prevented if the parish priest could be notified of his discharge by the use of some such simple formula as the following:

"Reverend and dear Father,

(N. N.)

"The above-named Catholic patient was recently discharged from this hospital and has returned to his (her) home address at.....

"Yours, etc."

PERMISSU SUPERIORUM

CHURCH AND STATE ABROAD

LIQUIDATING THE APOSTOLIC ADMINISTRATIONS

IN these pages in January we wrote of the difficult position into which the Hierarchy of Poland had been manoeuvred by the Warsaw Government in connexion with the ecclesiastical status of the territories which passed from Germany to Poland at the end of the war. On 26 January the Warsaw Government brought matters to a head by declaring that it could no longer wait for the Holy See to make the settlement that was so long overdue, and decreeing

the abolition of the provisional status of the Church administrations in the Western Territories, in the form of Apostolic Administrations, and the removal from those dioceses (*sic*) of the priests who have been discharging the duties of Apostolic Administrators.

The Government's statement continued:

This will make possible the appointment of Vicars Capitular and the recognition of all present parish priests as permanent heads of their parishes.

The full text of the statement is printed at the end of this narrative. On 3 February Mgr Wyszyński, Archbishop of Gniezno and Warsaw and Primate of Poland, called on President Bierut to protest. To judge from the letters to President Bierut of which he has been a signatory during the past year,¹ it can be presumed that he did not mince his language. It was, indeed, interesting that the President should receive him at all, inasmuch as written communications to the President from the Hierarchy have often been ignored.

The Apostolic Administrations concerned in the decree of "liquidation" are five in number, containing between four and a half and five million Catholics, and were established by the late Cardinal Hlond:

1. WROCLAW (Breslau), including 1,600,000 Catholics, 615 priests and 1,088 churches, with Fr Karol Milik² as Apostolic Administrator;

¹ Letters dated 30 January, 1950, 16 February, 1950, and 12 September, 1950, printed in full in *THE CLERGY REVIEW* for May, June and December respectively; also letter of 8 August, 1950, of which the text is not available; see *THE CLERGY REVIEW* for December, p. xviii.

² The campaign against Fr Milik personally—what the Americans would call a "smear campaign"—has been going on for a long time. See the Bishops' detailed refutation of allegations of his corrupt use of the resources of *Caritas*, in the letter sent to President Bierut on 30 January, 1950; *THE CLERGY REVIEW*, May 1950, p. ix. Also for a long time there has been a harassing of the other Administrators; cf. par. 35 of the letter sent to President Bierut on 12 September, 1950; *ibid.*, December 1950, p. xviii.

CHURCH AND STATE ABROAD

2. GDANSK (Danzig), including 275,000 Catholics, 95 priests and 129 churches, with Fr Andrew Wronka as Apostolic Administrator;¹

3. GORZOW (Landsberg, Upper Silesia), including 1,180,000 Catholics, 355 priests and 1,236 churches, with Fr Edmund Nowicki as Apostolic Administrator;

4. OPOLE (Oppeln, Upper Silesia), including 1,200,000 Catholics, 616 priests and 238 parishes, with Fr Boleslaw Kominek as Apostolic Administrator;

5. OLSZTYN (Allenstein; Warmia, Ermland, East Prussia), including 622,000 Catholics, with 220 priests and 199 parishes, with Fr Teodor Bensch as Apostolic Administrator.

The "liquidation" was preceded by a most intensive propaganda campaign, in which the fullest use was made of the so-called "Patriot Priests", whose position had been made very clear in the letter sent to President Bierut by Mgr Wyszynski and Cardinal Sapieha on 12 September²—priests, nearly all of them already "in conflict with their moral and canonical duties", and some of them "still under ecclesiastical punishment", who collaborate with the Communist regime. They published, in *Głos Kapłan* ("The Voice of the Priest"), which is their special organ, and elsewhere, statements of which the following, attributed to "a parish priest in Tyniec, near Breslau, Father Antoni Lorens", is typical:³

I am of the opinion that the Polish Government has shown a great deal of tolerance towards the behaviour of the Episcopate. I also think that the Episcopate has had enough time to establish a permanent Church authority in the Western Territories. Now we cannot delay a settlement of this problem any longer. We demand from the Episcopate an abolition of the provisional status.

Meanwhile, the supporting campaign included every kind of mass-meeting, with the organization of "spontaneous petitions", and

¹ Danzig is still listed in the *Annuario Pontificio* as a residential See occupied by Mgr Splett, who is described as "*impedito*". He was imprisoned by a Polish court in 1945. Breslau is listed as a vacant See. The seats of the other three Apostolic Administrations were never episcopal Sees. The name of the Administrator is given in the *Annuario* for Breslau but not for Danzig.

² Paragraphs 38-43; THE CLERGY REVIEW, January 1951, pp. ix-x.

³ Quoted from *Polish Facts and Figures* (No. 235; 3 February, 1951; published by the Press Office of the Polish Embassy in London). There is some irony in the fact that on a left-hand page are all these alleged testimonies from priests, and on the right-hand page (underneath the main heading "What Lenin did for Poland") is the heading, across three columns: "Gang Murders Expose Role of Priests: Defence of Remnants of Propertied Class by Murder, Robbing and Terror"—making it odd that the authorities should be anxious to present the opinions of such people as priests.

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CHURCH AND STATE ABROAD

so on, manufactured evidence of the urgent demand of "the people", the imperious insistence of "workers, peasants and intellectuals", on a pattern with which Eastern Europe has become all too familiar.

The Bishops had come into a position of some embarrassment, inasmuch as it was true that they had formally undertaken to make an approach to the Holy See with a view to having the Apostolic Administrations established as permanent dioceses, and had failed to carry out the undertaking, so enabling the Government to accuse them of breaking a solemn Agreement.¹ But it should equally be remembered that that Agreement included a no less solemn acknowledgment on the part of the Government of the exclusive authority of the Holy See in this matter. Article V declared:

The principle that the Pope is authoritative and the supreme authority of the Church applies to matters of . . . Church jurisdiction.

That is, of course, a simple statement of Canon Law. Canon 2334 imposes an excommunication reserved *speciali modo* to the Holy See on all who "either directly or indirectly impede the exercise of ecclesiastical jurisdiction". It was therefore assumed by most Poles, when this Government statement was published on 26 January, that none save schismatically-disposed "patriot priests" would be found to serve as "Vicars Capitular" after the expulsion of the Administrators. They would, after all, be accepting an office created by the State, and in defiance of the local Hierarchy and of the Holy See. It was assumed that these "Vicars Capitular" would be men of the same kind as the similarly-described officials appointed by the State in Czechoslovakia, whose position was noted in these pages last month.²

The names of the Polish "Vicars Capitular" were simultaneously published, on 29 January, only three days after the announcement of the expulsion of the Administrators. They were Fr K. Lagosz in Wroclaw, Fr J. Szymanowski in Gdansk, Fr T. Zaluczowski in Gorzow, Fr E. Kobierzycki in Opole, and Fr W. Wink in Olsztyn—all names previously unknown to the general public; for there is not available any Polish work corresponding to the *Catholic Directory*, to give the names of all priests in the country. Certainly they were not

¹ Undertaking made in Paragraph 3 of the Agreement of 14 April, 1950; admitted in par. 33 of letter to President Bierut dated 12 September, 1950; failure to carry it out admitted in par. 35; see THE CLERGY REVIEW, December 1950, pp. ix and xviii.

² See also *East Europe* for 8 February, 1951, describing how such Vicars Capitular were installed in the dioceses of the five Czechoslovak Bishops sentenced on 15 January to long terms of imprisonment: "When the dioceses concerned had elected their Vicars [Capitular] the Government simply arrested those it considered undesirable. By now, all five dioceses are governed by men approved by the regime."

CHURCH AND STATE ABROAD

"Patriot priests" associated in any active way with the public support of the Government, or with the agitation during the last six months to have the Administrators in the Western Territories ejected. There were some Polish Catholics to think that this might mean that they were priests who had been designated by the legitimate Administrators as temporary successors in the case of their sudden death or imprisonment, and who were now properly assuming responsibility. Alas, although the near future will presumably remove any doubt, any such hopeful hypothesis is unlikely to be correct.

The action of the Warsaw Government was timed to coincide with the meeting on the Oder of delegations from the Polish and East German Governments for the ceremony of marking out the frontier declared to be permanent and unchangeable. Much publicity had attended the agreement about this frontier during the previous seven months. A German delegation had come to Warsaw on 5 and 6 June last, and on 6 July a treaty to define the frontier had been signed at the frontier town of Zgorzelec, with the two Premiers, M. Cyrankiewicz and Herr Grotewohl, as the chief signatories. The celebrations and demonstrations were on such a scale as to indicate that a major event was held to have occurred in the history of post-war Europe; and, in the document printed below, this is cited as the first and principal justification for the "liquidation" of the Apostolic Administrations.

Both Polish and German national sentiment are deeply involved, and it is most important that the Church shall not play into the hands of the Communists by appearing to favour one of these at the expense of the other. The Communists in Poland rest their campaign on the thesis that the Holy See favours the Germans, and we think it is to be regretted that the considerable freedom of those who conduct the transmissions of the Vatican wireless has sometimes made both the German and the Polish programmes seem to be coloured by national sympathies. An example was given in the German programme in connexion with the 950th anniversary of the foundation of the disputed See of Breslau. A speaker from Munich came to the microphone¹ to say that as a result of the war and "the expulsion of the German population and the German priests, which took place in violation of human rights", the city had greatly changed. The expulsions of 1945 and subsequently were indeed conducted in a deplorable spirit of revenge, and the full story of what was suffered at the hands of the Poles by the German population there has not yet been told. But it is not impartial to dwell on this dark chapter without recalling that this was the sequel to the

¹ Vatican wireless, German programme, 3 November, 1950, 19.45 hours.

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CHURCH AND STATE ABROAD

occupation of Poland by the Germans through five bitter years. The speaker went on to tell, with perfect accuracy, how the See of Breslau had been vacant since the death of Cardinal Bertram shortly before the end of the war, and how,

in accordance with the usual practice of the Holy See, the See of Breslau may be expected to remain vacant until the conclusion of an official peace treaty with Germany.

In the meantime those parts of the Archdiocese lying to the east or the Oder-Neise line were being administered by three Polish and one Czech Apostolic Administrator. And the speaker concluded:

May God grant that the Silesians see their homeland again, and . . . enter into their fathers' heritage, and continue to work for the Kingdom of God.

He prayed, in short, for the return of the exiles who are at present crowded into the Western Zones of Germany; which may be a legitimate aspiration for a private German conscience but should not be desired with the voice of the Holy See. The notice taken of the anniversary of the See of Breslau, as a German occasion, was, indeed, an example of the kind of pro-German sentiment which the Communists tried so hard to attribute to Pope Pius XII in 1948, after his letter to the German Bishops on 1 March of that year.¹ Nothing is more important than that spectators of this difficult problem shall refrain from lending colour to the myth that the Church is "pro-German", or from appearing to forget the ordeals of the Poles from 1939 to 1945 and only to remember the ordeals of the Germans in 1945 and since then.

Having said this, it should also be said that the ordeals of the Germans, and in particular of the Church in what was German Silesia, are not as well known in this country as they might in justice be. When the Russians fought their way into Silesia in 1945 Cardinal Bertram, the aged Archbishop of Breslau, was staying at Johannesberg, a castle situated in the Czechoslovak part of his archdiocese, whither he had retired a few months before on the advice of his doctors. News of the destruction of his cathedral in Breslau, and of the destruction of so many other churches, and of so much suffering and tragedy in his archdiocese, was too much for him, and on 6 July, 1945, when he was nearly eighty-six, he died.

Mgr Josef Ferche, titular Bishop of Vina, who is today one of the Auxiliary Bishops of Cologne, was at that time Auxiliary of

¹ One of our very few complaints about the work by Mr Seton-Watson commended by a footnote to these pages last month is that he appears to be more familiar with this Communist propaganda than with the text of the Pope's letter.

CHURCH AND STATE ABROAD

Breslau, and it was he who was responsible for the administration of the archdiocese throughout the period of the Russian siege. He had only thirty-five priests at his disposal, all the others having been ordered by the Gestapo to leave when the first Russian troops were reported in the neighbourhood. After the surrender Bishop Ferche did his utmost to comfort and assist the stricken people of the city and archdiocese. In spite of great dangers and difficulties, he moved continually from place to place, and it is probably because of this that no expulsion order reached him before September 1946. In that month, however, he fell into the hands of the political police, and within twenty-four hours he was in a cattle-truck heading for the "re-settlement" camp of Brandenburg-am-Havel, in the Soviet Zone of Germany. After his discharge from this camp he exercised his episcopal office in various parts of the Soviet zone until eventually he joined the main stream of refugees from Breslau and from Silesia generally, and went to the British Zone, where the Germans from the Polish "Recovered Territories" were arriving in tens of thousands and in complete destitution. There he became Auxiliary Bishop to Cardinal Frings, with the special mission of the spiritual care of the refugees and "expellees" from Silesia, a mission which he still fulfils today.

Of the former members of the Breslau Metropolitan Chapter, only one, Canon Niedzballa, was allowed to remain at his post, since he alone was Polish. All the others were forced into exile, and three of them have died in exile. Among those who have died was Mgr Alfons Bläschke, Canon of Breslau and Protonotary Apostolic. Compelled to leave Breslau before the beginning of the siege, he was on his way to relatives in the country, when, on 16 February, 1945, he fell into Russian hands, and he remained a prisoner for nearly four months. He died in 1950.

The full details of the disintegration of the Archdiocese, half way through the tenth century of its existence, cannot be given here. The whole story can be sufficiently told in the statistics. On 1 January, 1945, the clergy of the Archdiocese of Breslau totalled approximately 1,600. Of this number, 131 died during 1945, most of them losing their lives while trying to protect the honour of women and girls. Today only 321 priests ordained for the Archdiocese remain to the east of the Oder-Neisse frontier, in the Apostolic Administration; these are priests of Polish origin, the only ones allowed there. The others of the 615 priests in the present Apostolic Administration are Poles who have moved in with the Polish population sent to "re-colonize" the "Recovered Territories". There are 312 priests ordained for the Archdiocese of Breslau at present working in that part of the Soviet Zone of Germany which belonged to the Arch-

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diocese, and these are priests of German origin. But some 625 priests of German origin ordained for the Archdiocese are now in the Western Zones, doing pastoral work among the twelve million German refugees who are there today.

As it was in Breslau and Silesia, so also it was in what used to be called East Prussia, which also now forms part of the Polish "Recovered Territories", with the seat of the Apostolic Administrator, as we have noted, at Olsztyn. The German Bishop of Warmia (Ermland), Mgr Maximilian Kaller, was taken to Danzig by the Gestapo in February 1945, and soon afterwards sent from there to Central Germany. Immediately after the German surrender he set out to return to his See, carrying a rucksack on his back and pushing his suitcases in a wheelbarrow, and taking three weeks on the journey. But hardly had he arrived than he was again deported westwards, this time by the Communists. He, too, like Bishop Ferche, arrived eventually in Western Germany, among the refugees, and the Pope appointed him to be Ordinary for all the Catholic German refugees in the Western Zones. He spent the last two years of his life in this work, until, overwhelmed by the tragedy of it, he died, on 7 July, 1947, at Frankfurt-a.M., where he had made his headquarters. Seven of the eight members of his Cathedral Chapter in East Prussia are known to have died as the result of ill-treatment by the end of 1948.

It was the same everywhere: not only in the "Recovered Territories" of Poland, but in the Sudetenland and everywhere where German populations lived to the east of the frontiers which the Russians prescribed. So also Mgr Josef Martin Nathan, titular Bishop of Aricanda and Vicar-General for the German parts of the Czechoslovak Archdiocese of Olomouc, whose residence was at Branitz, was ordered to leave, three days before Christmas, 1946. He was at that time confined to his bed, suffering from heart trouble and a high temperature; nevertheless he was immediately taken by car to Troppau; and as a result of the journey, in the intense cold of mid-winter, he developed pneumonia and died on 30 January, 1947.

It is right that some of these details should be on record, for there is already on record what the Church in Poland suffered at German hands during the occupation. It is that which makes Poles today so unanimous in supporting the political claim of the Warsaw Government to the "Recovered Territories" which Moscow so cunningly promotes. To remember what the Germans suffered in retribution in 1945 is not *ipso facto* to support the German case. Nor is the view of the Holy See about the ecclesiastical administration of the Recovered Territories related in any way to these things. Only by knowing the human and political facts on both sides can one acquire a sufficiently

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impartial and detached view to commiserate, as the Holy See does, with those who have suffered on both sides, and to base judgments strictly on the letter of canonical and international law.

STATEMENT PUBLISHED IN WARSAW BY THE
GOVERNMENT OF THE POLISH REPUBLIC
ON 26 JANUARY, 1951

“THE provisional status of the Church administration established by the Vatican in the Western Territories has long since become an aggravating factor directed against the interests of the People's State, and at variance with the united and unfaltering will of the whole Polish nation, which considers the Western Territories as a permanent, integral part of the Republic.

“The Polish Government has spared no efforts to abolish the provisional status of Church institutions in the Western Territories by way of an understanding. This was expressed in the Agreement between the Government and the Polish Episcopate signed on 14 April, 1950, and later in a letter to the Episcopate of 23 October, 1950. It was expressed also during numerous talks and conferences held in this connection with representatives of the Church Hierarchy. This attitude has been supported by wide sections of the Polish population, and has been expressed in many statements of the faithful and the clergy.

“All those efforts have given no results. The Episcopate so far has avoided any concrete, clear and unambiguous measures to stabilize Church institutions and to appoint permanent Bishops in the Western Territories.

“At the same time, all those forces which are anti-Polish and hostile to peace, particularly those in Western Germany, relying on the Vatican's support, are using the provisional status of Church administration in the Western Territories for their own purposes, in an increasingly aggressive way, for inciting the revisionist, militaristic and Nazi forces in Western Germany. They use this poisoned weapon against Poland's Western frontiers, against the consolidation of friendly and good-neighbourly relations between Poland and Germany, against the whole camp of peace.

“Such being the situation, the Polish Government, considering

“1. That the final demarcation of the Polish-German frontier on the Oder-Neisse has been completed, and thereby this frontier has been recognized by the Polish Republic and the German Democratic Republic as a permanent frontier between the two countries;

“2. That the provisional status of the Church administration in the Western Territories has become a hot-bed of trouble and a source of activities hostile to Poland;

“3. That this state of affairs is directly detrimental to the interests of the Polish State and the Polish people;

has issued regulations for the abolition of the provisional status of the Church administrations in the Western Territories, in the form of Apostolic Administrations, and the removal from those dioceses (*sic*) of the priests who have been discharging the duties of Apostolic Administrators.

“This will make possible the appointment of Vicars Capitular and the recognition of all present parish priests as permanent heads of their parishes.

“The abolition of the present state of affairs will safeguard the full freedom of religion more effectively protected by the law, and will allow the people's religious needs to be satisfied.

“Thus, simultaneously with the solemn completion of the demarcation of the State frontier between Poland and Germany, the provisional status of the Church administration will be brought to an end, sealing the unbreakable union of the Western Territories with the rest of the country in accordance with the will of the nation.”

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